

Page 133

1 A. They are faculty members at Auburn.  
 2 Q. At that time you were not, correct?  
 3 A. That's correct.  
 4 Q. Okay. So did you think that you had any  
 5 authority over --  
 6 A. No authority.  
 7 Q. -- how to arrange the lab?  
 8 A. No.  
 9 Q. You say suggestions. Did you ever, without  
 10 suggesting, just move something in the lab?  
 11 A. Not that I can recall.  
 12 Q. Did you ever move a file cabinet from one  
 13 side of the lab to the other?  
 14 A. I've done a lot of cleaning in that lab,  
 15 from sweeping the floor to mopping it, and  
 16 things had to be moved at different times  
 17 to clean the floor.  
 18 Q. So is that a yes or a no?  
 19 A. I'm not sure if a filing cabinet per se was  
 20 moved, but I moved things that needed to be  
 21 swept around a lot.  
 22 Q. Would you move them back?  
 23 A. Most likely, yes.

Page 134

1 Q. Did you move anything else that you can  
 2 think of?  
 3 And did you move this filing cabinet  
 4 that you may or may not remember from the  
 5 laboratory across the hall?  
 6 A. I wouldn't do anything like that that I  
 7 would --  
 8 Q. You wouldn't do that? If somebody said you  
 9 were, they would have to be lying?  
 10 A. If I said that I didn't, yes, they would.  
 11 Q. Okay. Could you just not be remembering?  
 12 A. No. I don't remember, and that's what  
 13 you're asking. Do I remember moving that?  
 14 No, I don't.  
 15 Q. Okay. Could it have happened, though?  
 16 A. I'm not aware that it ever happened.  
 17 Q. Okay. Did you ever move anything else  
 18 other than a filing cabinet, which you say  
 19 you didn't, you don't remember moving?  
 20 A. Right.  
 21 Q. Did you ever move anything else in the  
 22 laboratory?  
 23 A. I don't remember moving things. Moved it

Page 135

1 from where?  
 2 Q. From anywhere. From one part of the lab to  
 3 another, from one part of the lab outside  
 4 in the hall, anything like that.  
 5 A. Things were moved in the lab all the time.  
 6 Q. By you?  
 7 A. If garbage needed to be taken out of the  
 8 lab into the garbage, I moved it --  
 9 Q. Pieces of furniture. Not garbage, pieces  
 10 of furniture.  
 11 A. I didn't find myself moving pieces of  
 12 furniture very often.  
 13 Q. Okay. Very often.  
 14 A. If you're talking furniture, there are  
 15 stools. You move those around the lab.  
 16 Q. Okay.  
 17 A. You move microscopes around the lab. You  
 18 move those from parasitology lab down to  
 19 the conference room. Things were moved.  
 20 Q. During August of 2003, was your desk area  
 21 moved in the laboratory?  
 22 A. I never had an assigned desk area until  
 23 that fall semester, and I got a desk in the

Page 136

1 lab right beside it -- right beside  
 2 parasitology.  
 3 Q. Was it ever moved from that point?  
 4 A. That's where it was until I was dismissed.  
 5 Q. Okay. Where had it been?  
 6 A. I never had an assigned area until then.  
 7 Q. Did you have an area where you would -- had  
 8 all your stuff? Where did you have all  
 9 your personal effects prior to that time?  
 10 A. I'm not sure that I had a designated area.  
 11 Q. Okay. I'm asking you where you kept your  
 12 stuff generally.  
 13 A. What kind of stuff are we talking about?  
 14 Q. Anything. Where would you go in the  
 15 morning to put your book bag? I don't  
 16 know.  
 17 A. It could either be in -- there's three  
 18 offices and labs. It was either going to  
 19 be in the first office where Dr. Spencer  
 20 and Blagburn are, the second lab, which is  
 21 the parasitology lab, or the third lab,  
 22 which later became my office.  
 23 Q. You don't think that -- or do you know if

Page 137

1 your desk area was moved because of any  
2 problems that you were having in the  
3 laboratory?  
4 A. I never had an assigned desk area where I  
5 was supposed to be.  
6 Q. You don't know if you were put there and  
7 then given a designated area in the room  
8 that you ultimately say became your desk,  
9 your office? Do you know if you were moved  
10 there because of problems that you were  
11 having?  
12 A. No.  
13 Q. Why do you think you were put there?  
14 A. Because I needed a desk area where I could  
15 get work done and do my work.  
16 Q. Those other areas that you talked about  
17 weren't sufficient for you to do that?  
18 A. There really wasn't an area there of where  
19 I could have my own little desk or area to  
20 work.  
21 Q. Are you aware of any other workers in the  
22 lab rearranging furniture or anything in  
23 the lab?

Page 138

1 A. I've seen other students rearrange  
2 furniture and move things in the process of  
3 cleaning up, straightening up the lab.  
4 Q. Would you move it back after they did that?  
5 A. Would I move it back?  
6 Q. Yes.  
7 A. They usually would move it back or if --  
8 It's your job in the lab to keep it clean  
9 and organized. If you walk in the door and  
10 you're tripping over a box or a chair or a  
11 desk, I would move that out of the way. I  
12 don't see the --  
13 Q. So if you thought it had been set up in a  
14 way that was not organized, you took it  
15 upon yourself to organize it in the way you  
16 saw fit?  
17 A. I don't think that lab is set up in any way  
18 that I've organized, that I saw fit.  
19 Q. Did you ever get in arguments with any  
20 students in the lab?  
21 A. I've answered that earlier. I don't  
22 remember.  
23 Q. You don't remember. Could you have but you

Page 139

1 just don't remember? Are you saying that  
2 you didn't or that you might have but you  
3 just don't remember?  
4 A. I don't remember.  
5 Q. Do you know if Dr. Blagburn was ever made  
6 aware that you had ever been in an argument  
7 with a student?  
8 A. He never came to me about that argument  
9 with another student if it happened.  
10 Q. Okay. Did Dr. Eiland ever require you to  
11 leave the lab as a result of an argument  
12 that you might have gotten in with a  
13 student?  
14 A. I'm Dr. Eiland.  
15 Q. Excuse me. Dr. Blagburn.  
16 A. What was the question again?  
17 Q. Did Dr. Blagburn ever require you to leave  
18 the lab as a result of one of the arguments  
19 that you got in with a student?  
20 A. Not that I remember.  
21 Q. Okay. Did you ever get into arguments with  
22 students if they called you Chris rather  
23 than Dr. Eiland?

Page 140

1 A. Not that I remember.  
2 Q. Would you refuse to acknowledge students if  
3 they called you Chris rather than  
4 Dr. Eiland?  
5 A. No.  
6 Q. That's a no? If someone said that you  
7 did --  
8 A. Did not acknowledge them?  
9 Q. Correct. If they said, "Chris," you  
10 wouldn't look at them until they said,  
11 "Dr. Eiland." Did that ever happen?  
12 A. That sounds made up.  
13 Q. So all of this would have to be made up if  
14 this, in fact, did happen?  
15 A. It sounds a little odd there.  
16 Q. Okay. Do you recall a student by the name  
17 of Michael who worked in the laboratory?  
18 A. I do recall Michael.  
19 Q. Okay. Do you remember getting into an  
20 argument with him when he called you Chris  
21 instead of Dr. Eiland?  
22 A. No.  
23 Q. Okay. Did Jamie Butler ever ask you to

Page 141

1 leave the lab because of confrontations you  
2 were having with other students?  
3 A. It's hard to say what Jamie Butler asked me  
4 to do or ever told me to do. Jamie Butler  
5 said a lot of things. I could come in the  
6 lab and sit down and be helping, and Jamie  
7 would pinpoint me and say, Chris, get out  
8 of here. You know. And I didn't have to  
9 do anything to get that kind of treatment.  
10 Q. You said earlier y'all had a good  
11 relationship. That doesn't appear to be a  
12 good relationship to me.  
13 A. It didn't -- I didn't say it was mean  
14 spirited or funny or whatever. It didn't  
15 bother me. I would just leave. If  
16 somebody asks me to leave, I'll leave.  
17 Q. Okay. You don't ever recall her asking you  
18 to leave the laboratory because of  
19 confrontations that you were having with  
20 students in the lab?  
21 A. I just don't remember having a lot of  
22 confrontations or arguments with other  
23 students in that lab.

Page 142

1 Q. Do you recall a girl in the lab by the name  
2 of Courtney Rich?  
3 A. I remember there was a Courtney. I don't  
4 know her last name.  
5 Q. Okay. Tell me what type of relationship,  
6 if any, that you had with her.  
7 A. The same as with the others, with Michael  
8 and the other guy and the other girl.  
9 Q. That's all?  
10 A. Uh-huh (positive response).  
11 Q. You didn't pursue her romantically --  
12 A. No.  
13 Q. -- in any means?  
14 A. No.  
15 Q. You didn't follow her home, things like  
16 that?  
17 A. No.  
18 Q. You didn't send her flowers, anything like  
19 that?  
20 A. No.  
21 Q. Did you ever get in an altercation with her  
22 boyfriend outside of her apartment complex  
23 one night?

Page 143

1 A. No, not that I remember.  
2 Q. Could that have happened that you don't  
3 remember?  
4 A. I don't think it happened.  
5 Q. You're just not sure?  
6 A. I think I would remember that.  
7 Q. Okay. If Courtney said all these things  
8 happened, would she be lying?  
9 A. I'm not sure how honest or ethical Courtney  
10 is. I'm not sure what happened in that lab  
11 after I left. This sounds like a smear  
12 campaign or something.  
13 Q. Why would Courtney have reason to smear you  
14 or anybody else in the lab have reason to  
15 smear you?  
16 A. I'm not sure what the reasons are.  
17 Q. Did you ever do anything that would bring  
18 this on to any of these? Jamie Butler,  
19 Tracey Land or Courtney?  
20 A. I don't think I did.  
21 Q. Or Michael?  
22 A. No.  
23 Q. So it would have to be as a result of -- it

Page 144

1 would be in response to nothing that you  
2 know that you did?  
3 A. That I did?  
4 Q. Right.  
5 A. That's right.  
6 Q. Do you know if Courtney ever reported to  
7 anyone that she was afraid of you --  
8 A. I don't know that.  
9 Q. -- and that she reported that to  
10 Dr. Blagburn?  
11 A. No, I don't know that.  
12 Q. Do you know if anything related to the  
13 Courtney incident was reported to  
14 Dr. Blagburn?  
15 A. I don't know that.  
16 Q. In your opinion, would it be inappropriate  
17 for an employee of the lab to pursue a  
18 romantic relationship with a lab student?  
19 A. I'm not sure if that would be inappropriate  
20 for who to follow --  
21 Q. You were an employee of the lab, correct?  
22 A. Yes.  
23 Q. Well, let's just talk generally. There are

Page 145

1 employees of the lab and then there are  
 2 students who complete work in the lab,  
 3 correct?  
 4 A. Right.  
 5 Q. Do you think it would be inappropriate for  
 6 an employee in the lab to engage in a  
 7 romantic relationship with a student?  
 8 A. I'm not sure if it's inappropriate or not.  
 9 Q. Your answer, you just don't know?  
 10 A. It would probably be wrong for Dr. Hendrix  
 11 to have a relationship with them. I'm not  
 12 sure if a graduate student or if another  
 13 person -- if --  
 14 Q. Why would it be -- Go ahead.  
 15 A. -- Tracey Land would have a relationship.  
 16 I'm not sure about those rules.  
 17 Q. Why would it be inappropriate for  
 18 Dr. Hendrix?  
 19 A. I'm not sure that it would. I've heard of  
 20 students and teacher relationships before.  
 21 Q. Okay. You did say that employees of the  
 22 lab such as yourself graded papers,  
 23 assignments, such as that?

Page 146

1 A. I remember grading quizzes.  
 2 Q. Does that seem that it would be  
 3 inappropriate, if you're grading someone's  
 4 quizzes that you had a romantic  
 5 relationship with?  
 6 A. I don't know that we graded people's  
 7 quizzes that we had romantic relationships  
 8 with.  
 9 Q. Well, if you did, would that be  
 10 inappropriate?  
 11 A. Possibly.  
 12 Q. Did you ever grade a quiz of Courtney Rich?  
 13 A. No, not that I know of.  
 14 Q. Okay.  
 15 A. Is Courtney Rich a vet student?  
 16 Q. This is the -- I'm not sure. This is the  
 17 Courtney girl that was in the lab that you  
 18 said that you recalled.  
 19 A. The vet students -- I mean, we were grading  
 20 quizzes of vet students.  
 21 Q. Was she a vet students?  
 22 A. I'm not even sure if she's a vet student.  
 23 Sounds good, though.

Page 147

1 Can we take a break? I need some more  
 2 water.  
 3 Q. Sure.  
 4 (Brief recess was taken from  
 5 12:07 p.m. until 12:16 p.m.)  
 6 BY MR. KNIGHT:  
 7 Q. Do you know who Tracey Land is? I think  
 8 you mentioned her name earlier. Who is  
 9 she?  
 10 A. An employee of the lab.  
 11 Q. Okay. Not a student?  
 12 A. No.  
 13 Q. How long did she work in the lab?  
 14 A. Since I've been there.  
 15 Q. Okay. Since '98 at least?  
 16 A. Uh-huh (positive response).  
 17 Q. What was her position in the lab?  
 18 A. A lab assistant that ran serology for the  
 19 lab.  
 20 Q. Okay. What was your relationship with her?  
 21 A. It was a fine relationship. I didn't have  
 22 any problems with her. I don't know that  
 23 we had a relationship. She was there. I

Page 148

1 would say hey to her.  
 2 Q. Neutral?  
 3 A. Neutral.  
 4 Q. Never any big problems between you and her?  
 5 A. No.  
 6 MR. KNIGHT: Do y'all want to go  
 7 ahead and stop now?  
 8 MS. DICKEY: That's fine.  
 9 (Brief lunch recess was taken from  
 10 12:18 p.m. until 1:15 p.m.)  
 11 MR. KNIGHT: Is there a certain  
 12 time that you have to be  
 13 somewhere by or Chris has to  
 14 be somewhere by?  
 15 MS. DICKEY: I have to be at South  
 16 University at six.  
 17 MR. KNIGHT: If by six o'clock --  
 18 for whatever reason if I'm not  
 19 done, can we agree to come  
 20 back whenever time is  
 21 convenient for Dr. Eiland?  
 22 MS. DICKEY: We can do that. I  
 23 think the rules say seven

Page 149

1 hours.  
 2 MR. KNIGHT: Yes. I'm not sure  
 3 exactly on the time, but if --  
 4 well, if we're not done around  
 5 six -- I don't know if that's  
 6 within that time -- we will --  
 7 MS. DICKEY: We can just  
 8 reconvene. That's fine.  
 9 I need to get with you on some  
 10 dates for depositions, too, so  
 11 maybe we can coordinate  
 12 finishing him and doing some  
 13 of ours on the same day.  
 14 MR. KNIGHT: Sure. That will  
 15 work.  
 16 BY MR. KNIGHT:  
 17 Q. All right. I think we left off on who is  
 18 Tracey Land.  
 19 A. She was a research assistant in the  
 20 parasitology lab.  
 21 Q. I think, actually, we went through this.  
 22 What kind of relationship -- you said  
 23 neutral?

Page 150

1 A. Neutral. Fine.  
 2 Q. Okay. She was there working with you every  
 3 day?  
 4 A. I wouldn't say every day, but she is there  
 5 and she -- she's usually there.  
 6 Q. Would Tracey have any reason to make up  
 7 stuff about you that you're aware of?  
 8 A. She still works there, right?  
 9 Q. I don't know.  
 10 A. If she still worked there, then I don't  
 11 know what her intentions would be.  
 12 Q. You know of no reason she would have to  
 13 make up anything about you?  
 14 A. Not that I'm aware.  
 15 Q. No major problems between you and her?  
 16 A. No.  
 17 Q. Okay. Did you ever on occasion or have an  
 18 occasion where you showed Tracey mail-in  
 19 subscription cards for pornographic  
 20 magazines that you had filled out in the  
 21 name of a client who you worked with at a  
 22 vet center and said you were angry at the  
 23 client and that you were filling out these

Page 151

1 subscription cards to he and his son  
 2 because of that?  
 3 A. No, I don't remember that.  
 4 Q. Are you saying you don't remember it  
 5 happening, it didn't happen, what?  
 6 A. I don't remember that happening, no.  
 7 Q. Okay.  
 8 A. Is that what Tracey Land said? We were on  
 9 her.  
 10 Q. Do you know if Dr. Blagburn was ever made  
 11 aware that you had done that?  
 12 A. No.  
 13 Q. Do you know if Tracey Land ever witnessed  
 14 you shouting at Jamie Butler about the  
 15 appearance of the lab?  
 16 A. No.  
 17 Q. Could it have happened, you just don't  
 18 remember?  
 19 A. I don't remember yelling at Jamie Butler  
 20 with Tracey Land being there.  
 21 Q. Okay. Did you ever tell her that you had a  
 22 problem with the way that Jamie Butler had  
 23 arranged the lab, and that if you had to

Page 152

1 you would make her cry every day to have  
 2 the lab the way you wanted it?  
 3 A. No.  
 4 Q. Did you ever remove a poster off the wall  
 5 from behind Tracey's desk?  
 6 A. No.  
 7 Q. Could this be the poster that we were  
 8 talking about earlier with the picture of  
 9 the body builder?  
 10 A. No.  
 11 Q. Okay. Do you recall ever being observed  
 12 digging up shrubbery on the Auburn campus  
 13 around midnight one night or any time?  
 14 A. No.  
 15 Q. You don't remember?  
 16 A. No.  
 17 Q. Did that ever happen? Did you ever dig up  
 18 shrubbery?  
 19 A. Not that I remember.  
 20 Q. Could it have happened that you don't  
 21 remember?  
 22 A. I'm pretty sure it didn't happen.  
 23 Q. Okay. Did you ever ask any secretaries for

Page 153

1 keys to any faculty members' offices?  
2 A. I've had keys to offices, to Dr. Blagburn's  
3 office, to the parasitology lab, and to the  
4 pathobiology department office.  
5 Q. Did you have keys to Dr. Hendrix's or  
6 anybody else's office?  
7 A. No.  
8 Q. Nobody? Do you know if anyone has ever  
9 informed any other faculty member besides  
10 Dr. Blagburn of problems that you might  
11 have had inside or outside of the lab?  
12 A. No.  
13 Q. Besides all of the things that I went  
14 through that you don't remember, do you  
15 recall any other problems with a student or  
16 other worker in the parasitology -- in the  
17 laboratory that you can recall at this  
18 time? Has this sparked your memory?  
19 A. In what lab? Did you say the  
20 parasitology --  
21 Q. The parasitology laboratory or outside of  
22 that in any of your classes.  
23 A. At one point there was a time where I was

Page 154

1 accused of going through another graduate  
2 student's desk. I was not made aware of  
3 it. No one talked to me about it.  
4 I think Dr. Wolfe interviewed Peter  
5 Christopherson about this, and they never  
6 told me about it. But Peter Christopherson  
7 told me about it, and he said that the  
8 women, Jamie Butler and some others in the  
9 lab sit around in the morning and talk  
10 about me and talk about ways to get rid of  
11 me. And I said, what am I going to do,  
12 Peter? And he said, it doesn't matter what  
13 you do. They're going to turn it into  
14 making you look bad --  
15 Q. Did we talk --  
16 A. -- because they want to get rid of you.  
17 They want you out of here.  
18 Q. We talked earlier. I asked you what kind  
19 of relationship you had with Tracey Land  
20 and Jamie Butler, good or bad, if you knew  
21 of any reason why they would be out to get  
22 you, and you didn't tell me what you just  
23 told me just then. Why was that?

Page 155

1 A. I've heard that Jamie Butler has had  
2 problems with me, and I told you I didn't  
3 have a problem with her. And I don't have  
4 a problem with Tracey Land.  
5 Q. Right. But I believe I asked you if there  
6 were problems between you or if you knew of  
7 any reason why they would be -- why they  
8 would say certain things about you that  
9 weren't true, and you didn't --  
10 A. Their reasons --  
11 Q. You didn't at that time tell me that. Why  
12 didn't you say that then?  
13 A. It's hard for me to speak for what their  
14 reasons were, and I'm trying to answer the  
15 question as best I can. Their reasons --  
16 I'm not sure what their reasons are, but  
17 they --  
18 I was promised by Dr. Blagburn and  
19 Wolfe -- they said that Dr. Hendrix was  
20 going to retire in a couple of years, in a  
21 year or so he was eligible for retirement,  
22 and they wanted me to be the next  
23 parasitologist at Auburn and take his

Page 156

1 place. Dr. Blagburn told me that the other  
2 parasitologists should always be a  
3 veterinarian with a Ph.D. And, you know,  
4 if Jamie Butler and them or Tracey Land  
5 didn't want me to be a boss of theirs, then  
6 their reasons behind starting these rumors  
7 or making things up about me may be so that  
8 I wasn't their boss at any time.  
9 Q. So you think that they have gone on a  
10 campaign to smear your name so that that  
11 would happen?  
12 A. That's what Peter Christopherson said.  
13 That's what it sounds like.  
14 Q. Do you know when all these events  
15 supposedly occurred?  
16 A. I found out about them later. Some of  
17 these things you're mentioning to me, first  
18 time I've ever heard of them. So what  
19 people say about you, if you're not given a  
20 chance to defend yourself, is almost  
21 impossible to counter or to head off or to  
22 even get straightened out. If you only  
23 hear one side of the story, it's going to

Page 157

1 be hard for me to defend myself. And I was  
 2 never given a hearing on any of these  
 3 things. Nobody ever talked to me about  
 4 this. Dr. Blagburn never did. The  
 5 grievance for this bad behavior and stuff  
 6 should be filed with the student  
 7 disciplinary committee. If you have some  
 8 of these grievances or problems that you're  
 9 saying, they never contacted --  
 10 Q. Who should file a grievance?  
 11 A. Whoever has been done wrong. So if these  
 12 students or Jamie or another student --  
 13 Q. You file a grievance against another  
 14 student's behavior?  
 15 A. If you think they're acting  
 16 inappropriately, you're supposed to file  
 17 that with the disciplinary committee and  
 18 the associate dean, associate vice  
 19 provost --  
 20 Q. What policy sets that out?  
 21 A. Associate -- I think it's associate dean.  
 22 It says it in the student handbook  
 23 right after the student academic grievance

Page 158

1 committee. There's a committee set out for  
 2 disciplinary committees where all these  
 3 things that you're talking about could be  
 4 handled, but I was never contacted by them.  
 5 Q. Did you ever remove all the furniture  
 6 from -- or any furniture from  
 7 Dr. Blagburn's office without his  
 8 permission?  
 9 A. I've helped Dr. Blagburn in his office many  
 10 times. Without his permission, no. I've  
 11 actually -- the desk that he sits at I  
 12 assembled and moved in there and moved  
 13 stuff out. Without his permission, no.  
 14 Q. You never moved anything without his  
 15 permission?  
 16 A. No.  
 17 Q. In the fall of 2003, you took an  
 18 experimental statistics course at Auburn;  
 19 is that correct?  
 20 A. Correct.  
 21 Q. And this course was part of your Ph.D. as  
 22 you said earlier?  
 23 A. Was.

Page 159

1 Q. Who was your professor in this course?  
 2 A. Nedret Billor.  
 3 Q. You had some discussions about this course  
 4 with your professor prior to your taking  
 5 it?  
 6 A. Prior to taking it, I did discuss with her  
 7 that I may have some difficulties since it  
 8 was a 700-level course and I had never had  
 9 statistics before. And she said that she  
 10 would work with me to get me through it and  
 11 we would do whatever arrangement needed to  
 12 get through that course.  
 13 I did pretty good on the first test. I  
 14 made an 87. The second test I didn't do so  
 15 well, and I kind of knew I wasn't going to  
 16 before that, so I went to talk to her about  
 17 it. We set up -- she said see how you do  
 18 on the second test, and we'll take it from  
 19 there. I didn't do good on the second  
 20 test.  
 21 Q. What did you get?  
 22 A. I'm not sure what the grade was.  
 23 We talked after that test.

Page 160

1 Q. Was it a failing grade?  
 2 A. It probably was. It wasn't what I'm used  
 3 to.  
 4 We talked after that second test, and  
 5 we decided that I would not be graded for  
 6 the third or fourth tests. That what we  
 7 would do was to audit this course and  
 8 receive an incomplete and then take it the  
 9 next semester or at a later time and  
 10 receive a grade more representative to when  
 11 I've actually had the statistical packages  
 12 and things that I needed to do the work.  
 13 Q. I understand you didn't have some software  
 14 or something for this course?  
 15 A. Correct.  
 16 Q. You had to have that software to complete  
 17 the course?  
 18 A. Yes.  
 19 Q. Why were you not able to get that software?  
 20 A. It wasn't a requirement to have that for  
 21 the course, but it turns out it should have  
 22 been a requirement to have it. Most of the  
 23 students had it in their department. My

Page 161

1 department didn't have that --  
 2 Q. Not all the students had it?  
 3 A. -- the capabilities.  
 4 I'm not sure about all the other  
 5 students.  
 6 Q. Okay. How many exams did you take in the  
 7 course?  
 8 A. There were three tests and a final.  
 9 Q. Did you ever take the final?  
 10 A. I'm not sure that I did. After the third  
 11 test, it was pretty understood that I was  
 12 going to audit that course and take it over  
 13 again the next semester or at a later time.  
 14 Q. What did you get on the third test?  
 15 A. It wasn't graded.  
 16 Q. Third test was not graded?  
 17 A. To my knowledge, there was no reason to  
 18 grade it.  
 19 Q. Why was there no reason to grade it?  
 20 A. We had decided at that time that I was  
 21 going to audit that course, and so there  
 22 was really no reason to grade that third  
 23 test.

Page 162

1 Q. How were the exams in that course taken?  
 2 A. Some of it was in class and some of it was  
 3 take home that you would download off the  
 4 computer and do at home.  
 5 Q. And tell me about what you need the  
 6 software for. Was there an exam component  
 7 and another component to the course?  
 8 A. A lot of it's theory, and some of it would  
 9 be actual problems. To work those  
 10 statistics problems you would need computer  
 11 software to run them. You couldn't do it  
 12 by hand.  
 13 Q. And that's what you say that you couldn't  
 14 complete?  
 15 A. That -- yes.  
 16 Q. Why did you enter this class when you  
 17 didn't have that software?  
 18 A. I thought that -- I wasn't sure what was  
 19 needed for that. I read over the syllabus,  
 20 and it didn't mention that you needed that  
 21 statistical package. I had worked with  
 22 statistical programs before, and I thought  
 23 that I could use the statistical programs

Page 163

1 that I had used in the past to do the work  
 2 needed, but it didn't work that well.  
 3 Q. And you say, though, that some students --  
 4 some other students didn't have this  
 5 software?  
 6 A. I'm not sure what other students had.  
 7 Q. Okay. What was the ultimate grade that you  
 8 received in this class?  
 9 A. An incomplete at the end of fall semester,  
 10 and I think it turned into an incomplete F  
 11 in June of 2004 or July of 2004.  
 12 Q. And the incomplete, there was some sort of  
 13 stipulation attached, as you say, and what  
 14 was it to the incomplete? You were going  
 15 to be able to come back and retake the  
 16 class at some point?  
 17 A. I think you can fix an incomplete within  
 18 six months of when you get it. The teacher  
 19 was going to, of course, let me take it  
 20 over again, and whatever grade I made the  
 21 next semester was going to count toward  
 22 that incomplete and replace the incomplete.  
 23 Q. And you knew that if you didn't complete

Page 164

1 that course by the date --  
 2 You said it was in June; is that  
 3 correct?  
 4 A. That's right.  
 5 Q. -- that you would receive an F in that  
 6 course?  
 7 A. I received an e-mail from Dr. McFarland in  
 8 May or June that said that I would receive  
 9 an F if I didn't have it completed. So I  
 10 did know that.  
 11 (Defendant's Exhibit 5 was marked  
 12 for identification.)  
 13 Q. Defendant's Exhibit 5. Is that the --  
 14 A. Yes. Looks like a mass e-mail to a Mr. or  
 15 Mrs. Eiland. I guess it goes out to  
 16 everyone with an incomplete.  
 17 Q. Right. And what date did it say -- what  
 18 date that was sent?  
 19 A. It says May 7th, but I remember receiving  
 20 it later than that.  
 21 Q. What date did you receive it?  
 22 A. May have been two or three weeks later.  
 23 Q. Okay. What date does it say that your

Page 165

1 grade would convert to an F?  
 2 A. June 19th, 2004.  
 3 Q. Okay.  
 4 A. And it tells you a number to call there and  
 5 talk about it if you have a problem, which  
 6 I did call.  
 7 Q. Did your grade, in fact, at some point  
 8 change from an incomplete to an F in that  
 9 class?  
 10 A. It did.  
 11 Q. Do you know what day that was?  
 12 A. Not sure of the exact date. Sometime in  
 13 June or July.  
 14 Q. So I assume, because it converted to an F,  
 15 you never completed the course; is that  
 16 correct?  
 17 A. That's correct.  
 18 Q. Did you sign up for the course and were not  
 19 allowed to take it?  
 20 A. I did enroll in classes for the next  
 21 semester, and statistics was going to be on  
 22 there. I'm not sure if I enrolled in it or  
 23 if Dr. Billor told me not to sign up in

Page 166

1 that course; that the incomplete would  
 2 still be there. The grade wouldn't be put  
 3 in the spring semester, it would be put to  
 4 replace the incomplete.  
 5 When I talked to Dr. McFarland, he said  
 6 that I needed to find a new major professor  
 7 and new funding and a new department by the  
 8 beginning of next semester. I didn't do  
 9 that at the beginning of next semester.  
 10 I did try to contact Dr. Dillon about  
 11 finding him as maybe a new major professor,  
 12 because I wanted to salvage and try to stay  
 13 in my Ph.D. program. Because Dr. Janicki  
 14 had disagreed with what Dr. Blagburn and  
 15 Wolfe had said. They were saying that they  
 16 got rid of me. That I would make a great  
 17 parasitologist, just not at Auburn, and  
 18 that I needed to go somewhere else. They  
 19 would write me good letters of  
 20 recommendation to other schools. But they  
 21 never told me they would help me find  
 22 another committee member or anything about  
 23 resigning from my committee; however,

Page 167

1 Dr. Janicki did say that.  
 2 So I tried to go to Dr. Dillon and  
 3 fulfill what Janicki had said. Dr. Dillon  
 4 said that he wasn't getting any funding  
 5 from Pfizer; that they had canceled the  
 6 group and the study that was funding me.  
 7 And I told him, well, I would pay for my  
 8 own way; that I didn't have to have the  
 9 funding. And he said, if pathobiology and  
 10 Dr. Blagburn let you go, nobody else is  
 11 going to take you.  
 12 Q. Who is Dr. Janicki?  
 13 A. Associate dean of research, graduate  
 14 studies.  
 15 Q. Is he a level ahead of Dr. Wolfe or  
 16 Dr. Blagburn? How does that hierarchy  
 17 work?  
 18 A. Well, when I was called in on December 3rd,  
 19 they had accused me of cheating and said  
 20 that I was -- this was the straw that broke  
 21 the camel's back, this cheating. And I  
 22 asked for a hearing on it, and I wanted to  
 23 defend myself, and they said it didn't have

Page 168

1 a defense; that it came from the top, and  
 2 you don't question it when it comes from  
 3 the top.  
 4 They told me -- when Dr. Blagburn left  
 5 the room, he said that I should take it up  
 6 with Dr. Wolfe. And I stayed behind and  
 7 talked with Dr. Hendrix, and he said I  
 8 should also take it up with Dr. Wolfe.  
 9 I went to Dr. Wolfe, and he told me  
 10 that this was all for the best. Maybe a  
 11 Ph.D. wasn't for me. That it's not -- you  
 12 know, a Ph.D. is not for everyone.  
 13 And I told him this cheating thing, and  
 14 he said, yeah, he had heard about the  
 15 cheating, and that maybe -- or alleged  
 16 cheating. He said it was cheating, and  
 17 that was unacceptable. And he said it came  
 18 from Janicki, and I needed to take it up  
 19 with Janicki.  
 20 So I went to Janicki, and Janicki said  
 21 that nobody had ever come in there and  
 22 mentioned my name and cheating in the same  
 23 sentence. Nobody had ever come to him.

Page 169

1 So...

2 Q. Let's go back. You said that you signed up

3 for courses or attempted to sign up --

4 A. I was enrolled in courses.

5 Q. -- in the spring 2004 semester? You were

6 enrolled in courses?

7 A. Yes, sir.

8 Q. Okay. What courses were you enrolled in?

9 A. You would have to check that computer. I

10 was definitely enrolled, but to my

11 knowledge, I can't remember off the top of

12 my head.

13 Q. You were allowed to enroll in courses?

14 A. I think the deadlines for enrolling might

15 have been before I was dismissed. It may

16 have been in November when I enrolled, and

17 then I was dismissed on December 3rd, and I

18 was still enrolled for the next semester.

19 Q. Do you know that for a fact or do you

20 think?

21 A. I'm pretty sure that's for a fact.

22 Q. Okay.

23 A. I don't remember getting dismissed and then

Page 170

1 going and enrolling.

2 Q. Okay. Did you ever receive notification

3 that you can't enroll in these courses,

4 you're no longer in the graduate school?

5 A. I received a bill for \$200 saying that I

6 was enrolled in some courses, but later on

7 when I checked, I was not registered for

8 any courses.

9 Q. When did you check?

10 A. It was either in January or -- I think in

11 January.

12 Q. When did classes begin?

13 A. January.

14 Q. And did you check -- at what point in

15 January?

16 A. I'm not sure of the exact date.

17 (Defendant's Exhibit 4 was marked

18 for identification.)

19 Q. Let me show you Defendant's Exhibit 4. Do

20 you know what that is?

21 A. Right.

22 Q. Is it a class schedule?

23 A. Right.

Page 171

1 Q. According to that, when did classes begin?

2 A. January 13th, according to this.

3 Q. Do you recall if you checked to see if you

4 were enrolled in a course before or after

5 that date?

6 A. It was near that date, but I'm not sure if

7 it was before or after.

8 Q. And at that time, what did it say? What

9 did whatever you looked at reflect?

10 A. I wasn't enrolled.

11 Q. It reflected that you weren't enrolled?

12 A. Yes.

13 Q. Did you ever receive notification saying

14 you were enrolled, you're no longer

15 enrolled?

16 A. I never received that notification.

17 Q. What document showed that you weren't

18 enrolled?

19 A. You can check it on the computer or

20 telephone.

21 Q. Where did you check it?

22 A. I'm thinking I did the computer.

23 Q. Do you know where at on the computer?

Page 172

1 A. I didn't document that exactly as well as I

2 did other things.

3 Q. Wouldn't that have been important? Do you

4 think that would have been something

5 important?

6 A. I figured I had been dropped from those

7 classes, because Dr. Janicki had told me

8 that if I didn't find a new major professor

9 and new funding and a new department by the

10 beginning of that semester that I would be

11 dropped from the graduate school. That I

12 needed to find a new head of the

13 department, a new department to continue in

14 the graduate school, and I needed to find a

15 new major professor, which I tried to do.

16 The most reasonable person would be --

17 outside of pathobiology, which would be

18 Blagburn and Hendrix, would be Dr. Dillon.

19 And I couldn't convince him to do it. Like

20 I told you, he said that if Dr. Blagburn

21 and pathobiology let me go, nobody else was

22 going to take me.

23 Q. Did you ever attempt to sign up for any

Page 173

1 course at Auburn and were told you weren't  
2 allowed to do so?  
3 A. No. The only thing that was said in that  
4 fashion was that they told me if I left  
5 and -- left quietly and left, they would  
6 write me good letters of recommendations,  
7 and that they would pay me for December and  
8 January, even though I wasn't working  
9 there, and I would have a clean record.  
10 And I tried to argue and say I wanted a  
11 hearing on this. I didn't want the good or  
12 clean record. I didn't want the money.  
13 And I was scared to really make too big of  
14 a stink and check into this, because I  
15 jeopardized my good letters of  
16 recommendation. And those are important to  
17 me because that's my work history, and then  
18 that's my employment history. And if I'm  
19 going to get a job, it's going to be a  
20 reference from Blagburn -- Dr. Blagburn as  
21 a reference. And they held that over my  
22 head; that if I didn't go and cooperate  
23 with what they said that I might not get

Page 174

1 those good letters. I might not leave with  
2 a good, clean record.  
3 Dr. Hendrix actually said that I was  
4 lucky to be leaving with that two months  
5 pay and good letter of recommendations;  
6 that they didn't have to do that.  
7 Q. Who said that you should leave quietly?  
8 A. Dr. Hendrix and Blagburn.  
9 Q. Both of them said that?  
10 A. Yes.  
11 Q. Those exact words?  
12 A. I'm not sure if it was to leave quietly,  
13 but it was insinuated.  
14 Q. Well, you said that.  
15 A. I just corrected it.  
16 Q. But they didn't say that?  
17 A. Well, it was -- I don't remember the exact  
18 words, but it was under that impression.  
19 That if I made too big of a deal about  
20 this, I wouldn't get --  
21 Q. So that's the impression that you got. You  
22 told me a few minutes ago, about ten  
23 seconds ago, that you said they told you if

Page 175

1 you left quietly, nothing would be made of  
2 this. But they, in fact, did not say that,  
3 did they?  
4 A. Well, I can actually say that I think they  
5 did say that; that they did say --  
6 Q. Well, did they give you the impression or  
7 did they say it?  
8 A. No, they did. It wasn't an impression.  
9 That's what they said.  
10 Q. Come on, Chris. Did they give you --  
11 A. That's what I said.  
12 Q. What?  
13 A. That's what I said.  
14 Q. Chris, you've got to be truthful and fair  
15 with me. I'm trying to ask you what  
16 exactly they said. Not what you perceived  
17 them to say, what they said. Now, did they  
18 tell you that if you would leave quietly  
19 that nothing would come of this? Your  
20 letters of recommendation would stay in  
21 place? Did they say those words?  
22 A. After thinking about it, Lane, yes, they  
23 did.

Page 176

1 Q. Okay. They did. After thinking about it.  
2 Now, the question that started this was  
3 have you ever attempted to sign up for any  
4 course at Auburn and not been allowed to do  
5 so?  
6 A. No.  
7 Q. And the answer to that is no. Okay.  
8 Did you attempt to sign up for this  
9 experimental statistics class?  
10 A. Dr. Billor told me I didn't have to sign up  
11 for that again. That it was already signed  
12 up for and I had an incomplete. It wasn't  
13 going to be an experimental statistics  
14 grade, incomplete for fall semester.  
15 Q. When did he tell you this?  
16 A. She said that --  
17 Q. She.  
18 A. -- in our meetings. And she said that --  
19 Q. In what meetings?  
20 A. I told you I talked to her after the --  
21 after some of the tests, and we agreed  
22 after the second test.  
23 Q. It's my understanding that the agreement

Page 177

1 was that you would always come back and  
2 complete that course, and then your  
3 incomplete would change to whatever grade  
4 that you got; is that correct?  
5 A. The following semester.  
6 Q. Right. And I'm asking you, did you sign up  
7 for that course the following semester?  
8 A. I was told not to.  
9 Q. By who?  
10 A. That Dr. Billor said that I wouldn't have  
11 to sign up for it again. We would take  
12 whatever grade I made in the next semester  
13 on those tests, and I would put that toward  
14 the incomplete.  
15 Q. Well, you had to enroll in the course  
16 somehow, correct?  
17 A. In fall semester.  
18 Q. And the fall of -- when did you take this  
19 experimental statistics class?  
20 A. Fall 2003.  
21 Q. And you were supposed to go back and retake  
22 the class when?  
23 A. Following semester.

Page 178

1 Q. In the spring 2003?  
2 A. 2004.  
3 Q. 2004. So my question is did you ever  
4 enroll in the class in spring of 2004?  
5 A. I didn't enroll in it, no.  
6 Q. Okay. Wouldn't you have to enroll in the  
7 class in order to go back and complete the  
8 agreement that you made?  
9 A. That's what I said. She said that I  
10 wouldn't have to enroll in it again,  
11 because then you would have experimental  
12 statistics on your --  
13 Q. So you were just --  
14 A. Hold on.  
15 You would have experimental statistics  
16 on your transcripts for fall and then you  
17 would have experimental statistics on your  
18 transcript for spring, and you might get  
19 credit for it twice or something like  
20 that. The incomplete can be fixed if you  
21 work something out with the teacher. You  
22 don't need to enroll in it again.  
23 Q. So you were just going to go -- you were

Page 179

1 supposed to go and show up at the classes?  
2 A. Right.  
3 Q. How many experimental statistics classes  
4 did you go to in spring of 2004?  
5 A. Zero.  
6 Q. Zero. How many tests in experimental  
7 statistics did you take in spring of 2004?  
8 A. Zero.  
9 Q. How was your grade supposed to be converted  
10 to something if you didn't go to the  
11 classes and if you didn't take the tests?  
12 A. Had I not been kicked out, then I would  
13 have fixed it. But under the  
14 circumstances, some things changed after  
15 that agreement.  
16 Q. Did you try to go to the class and one of  
17 the professors or faculty members at Auburn  
18 said, Chris, you're not in school here,  
19 you're not in the graduate school, you  
20 can't go to this class? Did that ever  
21 happen?  
22 A. No, it didn't ever happen. And I was  
23 afraid that if I did do something like that

Page 180

1 and I kept pursuing this after I had been  
2 recommended not to that I wouldn't get my  
3 good letters of recommendation.  
4 Q. If you had gotten a new major professor,  
5 could you have gone and completed that  
6 course?  
7 A. If I could have found a new major  
8 professor, I could have finished that  
9 course.  
10 Q. Okay. And you're not sure on this, but you  
11 think it could be a possibility -- you just  
12 don't know one way or the other -- you can  
13 complete your course work for your Ph.D.  
14 without having a major professor?  
15 A. I don't think that you should be able to.  
16 The major professor and your committee is  
17 supposed to go over your course work.  
18 When I had signed up for those  
19 courses -- I remember I signed up for those  
20 courses. I thought it was before I was  
21 dismissed. And when Dr. Blagburn called me  
22 at home on December 3rd and asked me to  
23 come down, I thought we were going to go

Page 181

1 over my course schedule.

2 The major professor and the committee  
3 is in charge of picking out what courses  
4 you're going to take. I don't see how,  
5 without a committee and without a major  
6 professor, you can pick your own courses.  
7 You might end up with a major professor two  
8 years later, and he might be like, well, I  
9 don't want you to take these courses.  
10 These aren't acceptable for what you're  
11 going to do. If I take two years' worth of  
12 courses in parasitology, and like your  
13 assumption of going to another major  
14 professor in physiology or anatomy or  
15 radiology, I don't see how they would think  
16 that those courses would be even related to  
17 what I was going to finish as.

18 Q. What does this grade change thing have to  
19 do with your lawsuit? Does that form the  
20 basis of any claim in your lawsuit?

21 A. Not that I'm aware, the grade change  
22 doesn't. It was something that  
23 Dr. Blagburn tried to fix. He was going to

Page 182

1 change that incomplete. He said that  
2 Janicki and McFarland suggested that I  
3 change that incomplete to a withdrawal or  
4 just take it off the record altogether, and  
5 I didn't know if he was going to do that or  
6 not. I talked to Dr. Hendrix about it, and  
7 he thought that they couldn't do that. He  
8 said, once they do that, you let me know  
9 and then come back to me. Later on I  
10 contacted Dr. Blagburn, I think around June  
11 7th or 14th, and told him, you know, I  
12 didn't think all this was ethical.

13 And I talked to Dr. Billor. I called  
14 her and told her, I don't think this is  
15 right, you know. You do what's right. I  
16 don't want you getting in trouble. Seems a  
17 little fishy what they're doing. And, you  
18 know, if I deserve an F, just give me an F  
19 and we'll work it out.

20 But Dr. Blagburn had telephoned her  
21 numerous times, leaving messages, trying to  
22 contact her and tried to talk her into  
23 giving me a withdrawal.

Page 183

1 Q. Why was Dr. Blagburn doing that?

2 A. I guess it's because -- he never sat around  
3 in that meeting on December 3rd for me to  
4 tell him what I had in arrangement with  
5 Dr. Billor. He left --

6 Q. Let me cut you off just so we don't go off  
7 on a tangent here. Why was Dr. Blagburn  
8 doing that? Was he doing that to help you?

9 A. It may have been to cover up some things he  
10 had done. It may have been, in the end, to  
11 help me.

12 Q. You don't know? You never asked him?

13 A. I don't know why.

14 Q. But the grade change thing is not a --  
15 there's no claim in your lawsuit directed  
16 towards anybody having to do with that?

17 A. No, not that I'm aware. I'm not a lawyer,  
18 but I don't think so.

19 Q. Sure. Any of the actions that Dr. Blagburn  
20 took with respect to whatever he did or did  
21 not do to try to help you with this grade  
22 issue, does that have anything to do with  
23 this lawsuit? Is there a claim against him

Page 184

1 related to that?

2 A. Can you repeat that again?

3 Q. Yes. You just went through some events  
4 that you say that Dr. Blagburn did with  
5 respect to trying to help you or whatever  
6 he was doing with this grade change thing.  
7 Is there any allegation in this lawsuit  
8 directed towards that?

9 A. I think he was trying to fix it so that I  
10 wouldn't complain to anybody and stir up  
11 anything, and then people might be on to  
12 what actually happened on December 3rd,  
13 2003. I think it was tried to be covered  
14 up, and he tried to cover it up and  
15 Dr. Janicki tried to cover it up the best  
16 they could.

17 Q. But there's no claim, due process, anything  
18 related to Dr. Blagburn's actions in doing  
19 that?

20 A. I don't know why he would not -- I don't  
21 know why he would do it if he didn't think  
22 he had done something wrong.

23 Q. But is he being sued for doing it?

Page 185

1 A. No, not for doing it.  
 2 Q. So that's not part of this, an allegation  
 3 in and of itself, of this lawsuit?  
 4 A. It may be, but I don't -- I'm not sure that  
 5 it is. I'd have to confer with my lawyer.  
 6 Q. Okay. I understand a student by the name  
 7 of Laurie Nelms was in this class?  
 8 A. Yes.  
 9 Q. Tell me who she is.  
 10 A. She's a graduate student and now a vet  
 11 student, I'm guessing, in Auburn College of  
 12 Veterinary Medicine. And I think she might  
 13 have been in the anatomy, histology and  
 14 physiology department, to my knowledge.  
 15 Q. Okay. She was a fellow student in this  
 16 class?  
 17 A. She was.  
 18 Q. Did you have discussions with her about  
 19 grades or anything in this class?  
 20 A. I did.  
 21 Q. Tell me about those discussions.  
 22 A. I didn't talk to her much. Maybe two or  
 23 three times at the most.

Page 186

1 The one that I remember the most was  
 2 surrounding the third test when she told me  
 3 that she had a 100 average in the class,  
 4 and she asked me how I was doing. And I  
 5 didn't really want to tell her how I was  
 6 doing, so I didn't tell her all my business  
 7 because it was not like me to make those  
 8 grades. I didn't tell her about my  
 9 understanding with Dr. Billor or what I had  
 10 agreed to. I said I wasn't doing good.  
 11 She said, well, it's tough. You know, I  
 12 have a 100 average, but I would have missed  
 13 one question on the first test if I  
 14 wouldn't have talked to -- checked with one  
 15 of the foreign graduate students  
 16 downstairs, compared answers, and I  
 17 corrected one that I would have missed, or  
 18 I would have had an 87.  
 19 And then on the second test, she told  
 20 me that she worked with two guys on it, and  
 21 that she felt like she helped them more  
 22 than they helped her, and she might not  
 23 work with them on the third test.

Page 187

1 I told her that when I was in vet  
 2 school that there was a lot of this kind of  
 3 stuff, working together on tests, that was  
 4 an ordeal, and it's something that you need  
 5 to avoid. And I told her that once she got  
 6 into vet school -- because I knew she was  
 7 applying -- that she needed not to do  
 8 this. She needed not to work with other  
 9 people on tests. That if somebody found  
 10 out about it, it's grounds for dismissal.  
 11 Q. How were the tests taken? Were they  
 12 take-home tests in this class?  
 13 A. I've answered that, that at first it's two  
 14 portions, I think, on some tests. At first  
 15 you have an in-class test, and then there  
 16 is some you download off the web.  
 17 Q. Okay. Part of it is in class?  
 18 A. Yes.  
 19 Q. And what part do you download off the web?  
 20 A. I don't know. If there's 30 questions or  
 21 something, you may do 15 in class and 15 --  
 22 Q. You turn those in and those are graded?  
 23 A. You turn them in, they're graded.

Page 188

1 Q. Do you think Laurie Nelms accused you of  
 2 asking her to take a statistics exam for  
 3 her?  
 4 A. Do I think that?  
 5 Q. Yes. Or for you. Do you think --  
 6 A. I'm sorry. Can you repeat that?  
 7 Q. Do you think that Laurie Nelms accused you  
 8 or do you know that Laurie Nelms accused  
 9 you of asking her to take an exam for you?  
 10 A. I had mentioned with Dr. Blagburn or -- he  
 11 told me -- I talked about the cheating  
 12 thing and said that -- I'm not sure how  
 13 Laurie Nelms came up, but --  
 14 Well, I'm not sure what the question  
 15 is. Let me try to answer your question  
 16 better. Can you repeat it one more time?  
 17 Q. Well, tell me about this, what you were  
 18 just saying about Dr. Blagburn.  
 19 A. I can't remember exactly who told me that  
 20 Laurie Nelms was the one who accused me of  
 21 cheating. In my first meeting, December  
 22 3rd, Dr. Hendrix and Blagburn never  
 23 mentioned the girl's name. They said it

Deposition of Christopher Eiland

Eiland vs. Blagburn

April 17, 2006

Page 189

1 was a female graduate student. They never  
 2 mentioned her name.  
 3 Q. Did you mention her name?  
 4 A. I didn't in that meeting either.  
 5 Q. You didn't in that meeting? Prior to that  
 6 meeting, did you know that she had made  
 7 these accusations?  
 8 A. No.  
 9 Q. Okay.  
 10 A. And then I went to Dr. Wolfe, and he didn't  
 11 tell me. I went to Dr. Janicki, and he --  
 12 and they both said that Dr. Janicki was the  
 13 one who this -- who the girl went to, the  
 14 other female graduate student.  
 15 Q. Who said that?  
 16 A. Dr. Wolfe and Dr. Blagburn. They both  
 17 pointed to Dr. Janicki --  
 18 Q. When did Dr. Blagburn tell you that?  
 19 A. December 3rd, 2003.  
 20 Q. They both told you that it was --  
 21 A. A female graduate student.  
 22 Q. They didn't mention by name?  
 23 A. Not that I remember, no.

Page 190

1 Q. Neither Dr. Wolfe nor Dr. Blagburn --  
 2 A. No.  
 3 Q. -- mentioned by name?  
 4 A. No.  
 5 Q. Okay. So then how did you finally figure  
 6 out her name?  
 7 A. I think it was in March '04, 2004, when I  
 8 met with Dr. Blagburn and he asked me to  
 9 come bring that research. And I told him  
 10 that Janicki -- Janicki had disagreed with  
 11 them and said that nobody had been in there  
 12 to accuse me of cheating, and he didn't  
 13 back up their story. He told me not to  
 14 worry about it. He's like, I'll find you a  
 15 job making 120,000 a year. Don't worry  
 16 about that. And I said, well, you know, I  
 17 don't know who it was --  
 18 Q. This was March the 4th or --  
 19 A. It was like March 3rd or 4th, something  
 20 like that.  
 21 Q. Who said they would find you a job making  
 22 120,000 a year?  
 23 A. Yes.

Page 191

1 Q. Who said that?  
 2 A. Dr. Blagburn.  
 3 Q. Okay.  
 4 A. And the name Laurie Nelms either came up in  
 5 that meeting or the next meeting, and I  
 6 think --  
 7 Q. Which would have been on what date?  
 8 A. I'd have to look at my notes for that. It  
 9 was before May 7th or something like that.  
 10 May have been. I'm not sure the exact  
 11 date.  
 12 Q. And you're absolutely certain that you had  
 13 no idea who the student was that made these  
 14 accusations prior to at least March the  
 15 4th?  
 16 A. Well, I had some assumption that that's who  
 17 it was, but I can't go around saying that  
 18 she accused me of cheating and that not be  
 19 the person.  
 20 Q. Why did you have an assumption?  
 21 A. To this day, I'm not sure. Because I was  
 22 not taking any other tests. This thing  
 23 about cheating had never been talked about

Page 192

1 with anybody else. I had assumed that  
 2 maybe she -- I had scared her into thinking  
 3 that I was going to report her for  
 4 cheating, and she tried to do a preemptive  
 5 strike and let them know that I had  
 6 propositioned her to take the test that I  
 7 wasn't even going to get graded for.  
 8 Q. Okay.  
 9 A. Makes a lot of sense.  
 10 Q. Did you ask her to take an exam for you?  
 11 A. No.  
 12 Q. Did not?  
 13 A. No.  
 14 Q. And you think the basis for her accusation  
 15 was to prevent you from going to whoever  
 16 you would go to about what she had told  
 17 you? Is that --  
 18 A. I hate to make assumptions, but, I mean,  
 19 that's what I'm assuming because I don't  
 20 know. She never told me why she did it.  
 21 Q. Why are so many people out to get you?  
 22 A. That's a tough question. I'm really not  
 23 sure.

Page 193

Page 195

1 Q. Okay. Who did she make these accusations  
2 to? The first time who do you think she  
3 made them to?  
4 A. This is all speculation. Nobody kept me in  
5 the loop on these things. I think that she  
6 told Dr. Janicki. From what I gathered,  
7 Dr. Janicki told Dr. Wolfe and Dr. Wolfe  
8 told Blagburn, Dr. Blagburn, either you can  
9 let him go or I will, but this cheating  
10 incident is the last straw.  
11 Q. So you think this was first told to  
12 Dr. Janicki, but you're speculating?  
13 A. True.  
14 Q. How do you know it was even said at all?  
15 A. Well, Dr. Blagburn and Dr. Wolfe both told  
16 me that the cheating accusation came from  
17 Dr. Janicki.  
18 Q. They both told you that Dr. Janicki had  
19 said that a student had accused you of  
20 cheating?  
21 A. Yes.  
22 Q. When was that? When did they tell you  
23 that?

1 statistics test for me. That narrows it  
2 down to statistics. I don't know any  
3 female graduate students in the whole  
4 statistics course besides Laurie Nelms, so  
5 my deduction was not too difficult. I'm  
6 not sure what happened, but that's how I  
7 came up with it.  
8 Q. Did you ever talk with her about this?  
9 A. No.  
10 Q. Do you know what the academic honesty  
11 committee is?  
12 A. Yes.  
13 Q. What is that?  
14 A. I'm not sure all its roles. I'm not sure  
15 all of the roles the academic honesty  
16 committee has, but I think that if you're a  
17 student and you've committed an academic --  
18 if you suspect someone has done something  
19 dishonest academically, then you can report  
20 them to the academic honesty committee.  
21 I'm really not sure. Supposedly, first you  
22 go to the faculty, the professor of that  
23 class. It says -- it gives you guidelines

Page 194

Page 196

1 A. December 3rd, 2003, and then Dr. Wolfe did  
2 two days later.  
3 Q. Okay. You never heard Laurie Nelms tell  
4 anyone that you had asked her to take a  
5 test?  
6 A. I never heard Laurie Nelms say that. I  
7 don't think I've ever seen her again after  
8 we talked whenever we did talk.  
9 Q. Did somebody tell you that she had said  
10 that?  
11 A. I think Dr. Blagburn told me that.  
12 Q. Anybody else?  
13 A. No.  
14 Q. Do you know if her accusation was oral or  
15 written or what?  
16 A. I don't know.  
17 Q. Do you know if these accusations were made  
18 to anybody else besides Dr. Janicki or do  
19 you speculate?  
20 A. I'm not sure who she told that I cheated.  
21 I'm not sure. All I was told was from  
22 Dr. Blagburn, that I had propositioned  
23 another female graduate student to take a

1 to follow before you file a grievance with  
2 the academic honesty committee. First you  
3 go to the faculty and try to resolve it or  
4 you take it to the student first. Nobody  
5 came to me and told me I had asked them to  
6 take a test.  
7 Q. This is where formal charges of academic  
8 dishonesty are taken?  
9 A. I don't think they have to be formal yet.  
10 It says that if you think someone has done  
11 academic dishonesty, the first resolution  
12 should be sought with the student. Then  
13 you go to the professor of the course.  
14 Then you go to the head of the department,  
15 the associate dean, and then to -- if you  
16 can't resolve it, then you might file an  
17 academic grievance with the academic  
18 grievance committee.  
19 Q. Was there any charge of academic dishonesty  
20 made against you to the academic honesty  
21 committee?  
22 A. Not that I'm aware. No charge of academic  
23 dishonesty has ever been made against me.

Page 197

Page 199

1 No charge of discipline. No charge has  
2 ever -- formal charge has ever been made  
3 against me or informal that I know of.

4 Q. Was any formal action taken by Auburn  
5 University with respect to any allegation  
6 of academic dishonesty?

7 A. I was kicked out of my program because of  
8 the cheating incident. Dr. Blagburn said  
9 the cheating was the straw that broke the  
10 camel's back. The cheating was what got me  
11 called into that room and said, you would  
12 make a great parasitologist, just not at  
13 Auburn. That they would write me good  
14 letters of recommendations to other  
15 schools. So the way I see it is the  
16 cheating was what got me kicked out of my  
17 program.

18 Q. Do you think Dr. Blagburn actually believed  
19 that you cheated or attempted to cheat?

20 A. At that time, you would have a hard -- on  
21 December 3rd, 2003, you'd have a hard time  
22 convincing me that's not what he believed.  
23 But later on, later on, May 28th, 2004, he

1 Q. Okay. Well, let's talk about this meeting  
2 on December 5th, 2003 between you and  
3 Dr. Blagburn and Dr. Hendrix.

4 A. To the best of my knowledge, that was  
5 December 3rd.

6 Q. December 3rd?

7 A. 2003.

8 Q. Okay. On the date of this meeting, you  
9 allege that as a result of this meeting,  
10 you were dismissed from the Ph.D. program,  
11 the doctor of philosophy program in  
12 biomedical sciences; is that correct?

13 A. Correct.

14 Q. That is true? You were dismissed from the  
15 Ph.D. program?

16 A. They told me in that meeting that I was to  
17 turn in my research and that I was --  
18 they -- Hold on one second.

19 I told you they said I'd make a great  
20 parasitologist, just not as Auburn. To me  
21 that means that I'm not going to be able to  
22 be a parasitologist at Auburn; that I  
23 needed to go somewhere else. They never

Page 198

Page 200

1 said, to be honest with you -- and I  
2 appreciated him finally being honest with  
3 me -- he said that he didn't believe that.

4 Q. Okay. Why wouldn't he reaccept you, then,  
5 as his major -- or him being your major  
6 professor if he thought -- if he decided  
7 that these were false accusations?

8 A. I'm not sure what his reasons were for --  
9 Why wouldn't he take me back?

10 Q. Right.

11 A. Is that what you're asking?

12 Q. I mean, if this was the reason why he  
13 resigned, and he later tells you that he  
14 doesn't think that you cheated, why  
15 wouldn't he take you back?

16 A. He never told me he was resigning from my  
17 committee, so why would he take me back?  
18 He told me this was not what he wanted. He  
19 told me Dr. Wolfe told him that he needed  
20 to get rid of me or he would. And he said,  
21 this is not -- he said, this is not what I  
22 want to do. So in my mind, him taking me  
23 back might not have been an option for him.

1 made any kind of recommendations on where I  
2 needed to go. This thing about what y'all  
3 are alleging, that I needed to find a new  
4 major professor, no major professor or no  
5 recommendation or any kind of assistance  
6 was done. If he resigned from my  
7 committee, my committee members weren't  
8 even called to that meeting so that he  
9 could say, I'm resigning from his  
10 committee. Y'all need to help him find a  
11 new major professor and move forward with  
12 this. To me they told me that I was  
13 leaving Auburn, basically.

14 Q. Okay. I'm asking you a very specific  
15 question here.

16 A. Right.

17 Q. On that date, December 3rd, 2003, do you  
18 allege that you were dismissed from the  
19 doctor of philosophy program in biomedical  
20 sciences at Auburn?

21 A. Yes. In that meeting, yes, I was.

22 Q. Okay. It's not your contention on that  
23 date that the only action taken was that

Deposition of Christopher Eiland

Eiland vs. Blagburn

April 17, 2006

Page 201

1 Dr. Blagburn resigned as your major  
2 professor?  
3 A. That's not what happened.  
4 Q. Okay. Well, take me through in detail, and  
5 tell me exactly what was said.  
6 First, who was present during this  
7 meeting?  
8 A. Dr. Charlie Hendrix was present at the  
9 meeting and Dr. Blagburn was present at the  
10 meeting and I was there.  
11 Q. Two Auburn faculty members?  
12 A. That's right.  
13 Q. Okay. And you?  
14 A. Yes. Which I'm not a faculty member at  
15 Auburn.  
16 Q. Sure.  
17 A. Employee.  
18 Q. Okay. Just give me a narrative of the  
19 meeting; as best as you can recall,  
20 everything that was said.  
21 A. All right. I was called at my house in the  
22 morning. They told me to come up there.  
23 Q. Who is they?

Page 202

1 A. Dr. Blagburn said, I need to meet with you.  
2 Q. Was Dr. Hendrix with him at this time?  
3 A. I don't think so.  
4 Q. Okay.  
5 A. He said, why don't you come on up to the  
6 pathobiology conference room? I need to  
7 talk to you. I said, okay. And I got up  
8 there as fast as I could, about five  
9 minutes. Walked in, and he was in the  
10 conference room.  
11 Q. Why did you go up there as fast as you  
12 could?  
13 A. Well, I only live a couple minutes away,  
14 and I was kind of excited, thinking that we  
15 were going to discuss my course work and  
16 what I was going to take. I had been  
17 waiting on him to do that. He is busy, and  
18 he needed some -- when he does have time, I  
19 jump at the chance to have time with him.  
20 He went out of the room when I got  
21 there and said, I'm going to go get  
22 Dr. Hendrix for a minute. He went and got  
23 Dr. Hendrix and came back in the room and

Page 203

1 shut the door, and that's when he started  
2 to say that, Chris, I hate to do this, you  
3 know, this is not my decision, but  
4 Dr. Wolfe told me that I needed to let you  
5 go or he's going to, and I'm not going to  
6 send you in there to that. I feel like I'm  
7 closer to you and I know you better, and I  
8 don't want to send you in there with that.  
9 He said -- he started getting a little  
10 angry and said, you know, you're going  
11 around now asking people to take tests for  
12 you, propositioning a female graduate  
13 student to take a statistics test for you,  
14 you know, cheating. That's unacceptable.  
15 I told him that I didn't cheat, and I  
16 was being treated as guilty without a  
17 chance to be proven innocent. He said that  
18 this cheating incident is the straw -- the  
19 final straw, the straw that broke the  
20 camel's back, and that, you know, pretty  
21 much -- I can't remember the exact words,  
22 but this is done. This is old. This is  
23 done, you know. It's over with.

Page 204

1 I told him I wanted a hearing on these  
2 things; that I had never had a hearing on  
3 this cheating. I wanted to be able to  
4 confront it. And he said that when it came  
5 from the top or it came from the chief or  
6 the top, which is Janicki -- that's what he  
7 said -- you don't question it. And I said  
8 I didn't think this was right. I didn't  
9 think it followed Auburn's policies and  
10 procedures. And he said that it was over  
11 and done with. That's the way it was.  
12 He told me he would write me good  
13 letters of recommendation to other  
14 schools. They said that I would be leaving  
15 with a clean record and I was lucky to be  
16 leaving with a clean record. That  
17 everybody doesn't leave with a clean  
18 record. And if I -- I just needed to leave  
19 quietly, and it was going to stay in this  
20 room. Dr. Hendrix and Blagburn would be  
21 the only two to know about it. And they  
22 said I would make a great parasitologist,  
23 just not at Auburn. That I could go to

Page 205

1 Georgia or Florida or somewhere else, but  
2 that it just wasn't going to work there at  
3 Auburn.

4 And Dr. Blagburn said he -- he didn't  
5 like me defending myself. He kind of got  
6 frustrated with me saying, I don't want any  
7 money. I don't want this good letter of  
8 recommendation. What I want is a chance  
9 for a hearing to confront these  
10 allegations. I don't think I've done  
11 anything wrong that I've had a hearing on.  
12 I've not been aware -- made aware of these  
13 allegations, and I think I deserve a chance  
14 to be heard and defend myself. I need to  
15 be able to mount a defense to these  
16 allegations.

17 And he said, I've got to go to another  
18 meeting and got up, took off out of the  
19 room, and left me there with Dr. Hendrix.  
20 And I told Dr. Hendrix, I said, this is not  
21 policy and procedure. He said, you know,  
22 that he had been in Washington for the last  
23 year and didn't know what was really going

Page 207

1 program, so, i.e., I am being dismissed  
2 from it even though he --

3 Q. He said you weren't going to be able to  
4 finish your Ph.D. program?

5 A. That's correct, at Auburn.

6 Q. Okay.

7 A. And I was to turn in my research and my  
8 keys and my card to get into the building,  
9 and that after that date I wouldn't be able  
10 to use that research anymore.

11 Q. You said that he said this is the straw  
12 that broke the camel's back. What were the  
13 other parts that led up to the straw?

14 A. You would have to ask Dr. Blagburn that. I  
15 didn't know straws were piling up on the  
16 camel's back. Nobody --

17 Q. Did you ask him about that at the time?

18 A. I didn't have very long. It wasn't a very  
19 convenient time to sit there. Whatever  
20 time was there was filled, and he left  
21 before I was through defending myself. I  
22 would have loved to have touched on that,  
23 but he left before I had a chance to talk

Page 206

1 on in the lab, that he had been gone, but  
2 he had heard a lot since he got back. And  
3 he said what he thought I ought to do is  
4 take it to the next chain of command, take  
5 it to Dr. Wolfe, which I did.

6 Q. You said that Dr. Blagburn said he was  
7 going to let you go. That's what you just  
8 told me. Did he ever say that, Chris,  
9 you're being dismissed from the Ph.D., the  
10 philosophy program in biomedical sciences?

11 A. Well, see, in my mind, that's related to --

12 Q. Well, let me just ask you this first. Did  
13 he ever say, Chris, you're being dismissed  
14 from the doctor of philosophy program in  
15 biomedical sciences? Did he ever tell you  
16 that?

17 A. I can't remember those exact words.

18 Q. So the answer is no?

19 A. It's very close to that. He didn't say --

20 Q. No. I'm asking you, did he ever say --

21 A. He didn't say, Chris, you're being  
22 dismissed from this. But he did mention I  
23 was not going to be able to finish my Ph.D.

Page 208

1 about it. Nobody wanted to talk about  
2 those things. What they wanted to talk  
3 about was that it was over and done and I  
4 needed to move on with my life.

5 Q. Okay. And what did Dr. Hendrix say at this  
6 time? --

7 A. In the meeting?

8 Q. Yes.

9 A. Before Dr. Blagburn left or after?

10 Q. Any time during the meeting, before or  
11 after.

12 A. He said he had been in Washington, D.C.,  
13 and he hadn't -- he wasn't aware of what  
14 was going on, but that he had heard some  
15 things since he had been back. He had been  
16 informed. And that I was -- he would write  
17 me good letters of recommendation to other  
18 schools, Georgia or something like that.  
19 That's where he's from. He said that some  
20 people don't get good letters of  
21 recommendation or two months pay when they  
22 get dismissed from their program.

23 Q. Why do you think they offered to write you

Page 209

1 good letters of recommendation?  
 2 A. I guess where I would leave quietly.  
 3 Q. Well, they were -- there were procedures in  
 4 place where a student could be terminated  
 5 from a Ph.D. program, correct?  
 6 A. There are, probably.  
 7 Q. Why wouldn't they -- if you truly were  
 8 being dismissed from the Ph.D. program, why  
 9 wouldn't they follow those procedures? Why  
 10 would they have to go to lengths to cover  
 11 up something when they could have had you  
 12 dismissed if they wanted to?  
 13 A. If they could have me dismissed if they  
 14 wanted to, then they probably should have.  
 15 Because they -- I would have had a chance  
 16 to defend myself then. I can't defend  
 17 these allegations and rumors and stuff when  
 18 some person goes to Dr. Blagburn and  
 19 complains about me, and I don't get a  
 20 chance to defend myself. And complaints  
 21 are like straws that are piling up on the  
 22 camel's back. Whether I'm innocent or  
 23 whether I'm guilty, if I don't get a chance

Page 210

1 to defend myself, then whoever complains  
 2 the most gets the -- breaks the camel's  
 3 back.  
 4 Q. You do agree that they could have -- if  
 5 they decided -- if they believed these,  
 6 whether they were wrong or right, they  
 7 could have gone through a process to have  
 8 you -- either for Dr. Blagburn to resign as  
 9 your major professor or dismissed from the  
 10 school; is that correct?  
 11 A. There are procedures that would allow for a  
 12 student to be expelled after having a  
 13 hearing or some type of warning or -- you  
 14 know, there are rules. They're in the  
 15 policies and procedures. They weren't  
 16 followed.  
 17 Q. Why would you think that they wouldn't --  
 18 if they were, in fact, dismissing you from  
 19 the program, why would they not want you to  
 20 have a hearing?  
 21 A. I'm really not sure why they do what  
 22 they -- what they did. On a tape  
 23 recording -- on a tape recording that I

Page 211

1 have of Dr. Blagburn, he says that his  
 2 feelings were that he was tired of this,  
 3 that it was done, that it was over. He was  
 4 tired of dealing with it and he just wanted  
 5 it to be over. He didn't want to have a  
 6 hearing. He didn't want me to stay in.  
 7 Q. He said that on the tape recording?  
 8 A. No. I'm saying that, you know, when he  
 9 says he's tired of it.  
 10 Q. Well, how do you know -- I mean, you don't  
 11 know that he didn't want you to have a  
 12 hearing. He didn't say that, did he?  
 13 A. Well, you're asking me to speculate, so  
 14 that's what I'm doing.  
 15 Q. Okay. Well, you were trying to tell me  
 16 what he said during a conversation.  
 17 A. I'm sorry. I was speculating.  
 18 Q. Okay. So you can only speculate. I mean,  
 19 does it make sense that they would want to  
 20 deny you a hearing? Is there any reason  
 21 why they thought you had some sort of --  
 22 something about them that you could bring  
 23 out? Was there any reason for them to have

Page 212

1 motivation to deny you a hearing?  
 2 A. If I'm not going to be found guilty,  
 3 there's no sense in giving me a hearing.  
 4 Q. I'm just trying to find out why do you --  
 5 and maybe you explained it, and you're  
 6 going to have to do it again. Why do you  
 7 think that they wanted to dismiss you  
 8 without a hearing?  
 9 A. With a hearing, I would not have been found  
 10 guilty.  
 11 Q. Why did Dr. Blagburn want to dismiss you in  
 12 the first place?  
 13 A. You would have to ask Dr. Blagburn that.  
 14 Q. Apparently -- I mean, up until this  
 15 point --  
 16 A. What I know, what I know is what he said on  
 17 the tape. He said that Dr. Wolfe told him  
 18 to get rid of me, and he didn't want to  
 19 send me in there to that. That's what he  
 20 told me. And then he said that his  
 21 feelings were of being frustrated and he's  
 22 tired of dealing with it.  
 23 Q. How do you know get rid of you meant

Page 213

1 getting rid of you from the Ph.D. program?  
 2 How do you know he wasn't referring to him  
 3 resigning as your major professor?  
 4 A. He never said that. He never said, I'm  
 5 resigning from your major professor. If  
 6 you're going to resign as my major  
 7 professor, he should have called my  
 8 committee together. What he told me was  
 9 that the head of the department --  
 10 Q. What procedure requires that?  
 11 A. -- told me to get rid of you.  
 12 Q. What procedure requires him to get the  
 13 committee together?  
 14 A. I'm not saying procedure does, but that  
 15 would make common sense.  
 16 Q. Well, then, how do you -- Auburn operates  
 17 under procedures. So you're not aware of a  
 18 procedure that would require him to get the  
 19 entire committee together, are you?  
 20 A. If you want them to benefit and find a new  
 21 major professor, you would call the  
 22 committee together. You asked me to  
 23 speculate on --

Page 214

1 Q. I'm asking you is there a procedure -- no,  
 2 I'm not asking you to speculate. I'm  
 3 asking a yes or no question. Is there a  
 4 procedure that requires Dr. Blagburn to get  
 5 the committee together, to get your  
 6 committee together before he resigns as  
 7 your major professor?  
 8 A. It may be in there.  
 9 Q. Well, go through and show me where it is.  
 10 That's Defendant's Exhibit 6.  
 11 A. Why is he resigning? I have to know why  
 12 he's resigning from my committee.  
 13 Q. What?  
 14 A. You're telling me that he's resigning from  
 15 my committee, right? Why does he have to  
 16 call my committee together?  
 17 Q. Well, I -- No. I'm asking you if he was  
 18 going to resign as your major professor,  
 19 does he -- is there a requirement, a policy  
 20 that requires him to get the committee  
 21 together in order to do that?  
 22 A. In here it never states that the student --  
 23 it says, a student advisory committee must

Page 215

1 prepare a statement of grievances in a  
 2 meeting with the student to discuss these  
 3 grievances and suggest steps necessary for  
 4 remediation. The statement of grievances  
 5 must have the unanimous support of all  
 6 members of the student advisory committee.  
 7 To my knowledge, the student advisory  
 8 committee should be unanimous in these  
 9 decisions, especially if you're going to  
 10 step down from the committee, you know --  
 11 Q. Chris, that's not --  
 12 A. It may not be in here, but it should --  
 13 Q. Okay. It's not in there, is it? It's not  
 14 in there. There's no procedure that sets  
 15 forth what policies must be followed when a  
 16 professor resigns as someone's major  
 17 professor.  
 18 A. Not specifically in that particular  
 19 policies and procedures for graduate  
 20 studies.  
 21 Q. Do you know of any other?  
 22 A. I don't know.  
 23 Q. Okay. So you know of no policy or

Page 216

1 procedure or anything that -- publication  
 2 that Auburn puts out, document that sets  
 3 forth procedures that must be followed when  
 4 a major professor resigns from being your  
 5 major professor?  
 6 A. I'm not sure that the policies and  
 7 procedures say anything about a major  
 8 professor resigning.  
 9 Q. You don't know of any that do set forth?  
 10 A. I don't know of them saying anything about  
 11 a major professor resigning. What it does  
 12 say is that if you have a grievance with  
 13 the student that you would call the  
 14 committee together. Seems logical.  
 15 Can we take a break?  
 16 Q. Sure.  
 17 (Brief recess was taken from  
 18 2:24 p.m. until 2:32 p.m.)  
 19 BY MR. KNIGHT:  
 20 Q. Chris, are you aware if you don't show up  
 21 for class on the first or second day that  
 22 you're going to be dismissed from the roll  
 23 of that class?

Page 217

1 A. No.  
 2 Q. Do you know that not to be the case?  
 3 A. No.  
 4 Q. Do you think at some point if you are  
 5 enrolled for a class and you just don't  
 6 show up, at some point they'll take you off  
 7 the roll?  
 8 A. I'm not sure.  
 9 Q. Okay. After this meeting with Dr. Blagburn  
 10 and Dr. Hendrix, you went and saw  
 11 Dr. Wolfe. What day was that?  
 12 A. I think it was December 5th, 2003.  
 13 Q. Tell me what happened in that conversation.  
 14 A. I asked him why I was being dismissed  
 15 from -- why he told Dr. Blagburn to dismiss  
 16 me from the department of pathobiology and  
 17 why he said that I should --  
 18 Q. Let me stop you right there. I'm sorry.  
 19 You said dismiss you from the department of  
 20 pathobiology. That's different than the  
 21 doctor of philosophy program in biomedical  
 22 sciences; is that correct?  
 23 A. That's what we're talking about.

Page 218

1 Q. So that's correct?  
 2 A. I asked him -- I'm asking him exactly --  
 3 Q. Chris --  
 4 A. Hold on. Hold on.  
 5 Q. No. Answer my question.  
 6 A. I just said that --  
 7 Q. Is that a yes?  
 8 A. What?  
 9 Q. The department of pathobiology is different  
 10 from the doctor of philosophy program in  
 11 biomedical sciences?  
 12 A. Right.  
 13 Q. And you were asking him --  
 14 A. That's right. I asked him -- you didn't  
 15 let me finish. I said yes to that.  
 16 I asked him why I was being dismissed  
 17 from the department of pathobiology, why I  
 18 was not going to be able to continue my  
 19 Ph.D. program anymore, and why I was not  
 20 going to be allowed to have access to my  
 21 research anymore. He said that he had  
 22 heard about this cheating incident and that  
 23 it was unacceptable. And that if I had a

Page 219

1 question with that, I needed to take it up  
 2 with Dr. Janicki.  
 3 He said that maybe a Ph.D. wasn't for  
 4 me. That maybe I didn't really want to  
 5 pursue my Ph.D. degree and stay in the  
 6 program. He said that maybe we would look  
 7 back on this and see it was all for the  
 8 best.  
 9 I told him that I enjoyed being in the  
 10 department I was in with Dr. Blagburn,  
 11 studying the things I was studying, and  
 12 that I really wanted to continue with my  
 13 Ph.D. And he told me that it was probably  
 14 for the best if I didn't do that and that  
 15 we would all look back on it as seeing it  
 16 as for the best.  
 17 I told him I wanted a hearing on this  
 18 cheating incident, and he said that I  
 19 needed to go take that up with  
 20 Dr. Janicki. I told him that I thought  
 21 that this was not following policies and  
 22 procedures, a dismissal without ever having  
 23 a warning, and he told me good luck.

Page 220

1 Q. He was saying maybe a Ph.D. wasn't for you,  
 2 correct?  
 3 A. He said we'd look back and see that maybe a  
 4 Ph.D. wasn't for me.  
 5 Q. He never said, Chris, you're dismissed from  
 6 the department of -- excuse me -- you're  
 7 not dismissed from the doctor of philosophy  
 8 program in biomedical sciences?  
 9 A. He never said that directly.  
 10 Q. You're just assuming, because he was saying  
 11 maybe a Ph.D. wasn't for you, that that's  
 12 what he implied?  
 13 A. And he wouldn't hear me out on anything.  
 14 He wouldn't talk to me about it in any  
 15 other term besides past tense of me  
 16 leaving.  
 17 Q. Well, he wasn't your major professor, was  
 18 he?  
 19 A. He is the boss of my major professor.  
 20 Q. Okay. He's not, but he's -- is he on your  
 21 committee?  
 22 A. He is not on my committee.  
 23 Q. And who was Dr. Wolfe's boss, so to speak?

Deposition of Christopher Eiland

Eiland vs. Blagburn

April 17, 2006

Page 221

1 A. From my understanding, when I asked  
2 Dr. Hendrix, he said the provost's office  
3 was in charge of --  
4 Q. And who was that?  
5 A. -- the head of the department.  
6 Q. Who is the provost's office?  
7 A. The acting provost that I know of is  
8 Dr. Stephen McFarland.  
9 Q. So that's Dr. Wolfe's boss?  
10 A. That's who they report to, to my knowledge.  
11 Q. Okay. The hierarchy, he's above them,  
12 correct?  
13 A. Dr. Hendrix told me if you have a problem  
14 with the head of the department, you would  
15 go to the provost with that. Which I  
16 contacted the provost's office, and they  
17 told me that it wasn't their -- it wasn't  
18 their area of concern and that they really  
19 couldn't help me.  
20 Q. You would think that Dr. McFarland would  
21 have more authority if he's up on the  
22 hierarchy then either Dr. Wolfe or  
23 Dr. Blagburn?

Page 222

1 A. If he was telling the truth, he is higher  
2 up on the hierarchy.  
3 Q. Before you went to him, did Dr. Blagburn at  
4 any time tell you -- has he at any time  
5 told you that he would assist you in  
6 identifying another major professor?  
7 A. Never.  
8 Q. Did Dr. Hendrix ever tell you that he would  
9 assist you in identifying another major  
10 professor?  
11 A. No.  
12 Q. How did the meeting with Dr. Wolfe end?  
13 A. It ended with me leaving, because he  
14 wouldn't address the concerns that I tried  
15 to talk to him about.  
16 Q. Did you ever have a conversation with  
17 Dr. Gary Muller?  
18 A. I don't know. Who is that? That name  
19 doesn't sound familiar.  
20 Q. Okay.  
21 A. Who is that?  
22 Q. What?  
23 A. Who is Gary Muller? I'm sorry.

Page 223

1 MS. DICKEY: You can't ask  
2 questions here. I'm sorry.  
3 We can do that at another  
4 time.  
5 A. Okay. I don't know that name.  
6 Q. Okay. Has Dr. Blagburn ever told you at  
7 another time that you were dismissed from  
8 the Ph.D. program?  
9 A. On May 28th, he said that he wouldn't have  
10 just dismissed me for these reasons. So  
11 then was one instance.  
12 Q. Now, a few minutes ago you were saying you  
13 went to Dr. Wolfe and said, I was  
14 dismissed. I want to know why I was  
15 dismissed from the pathobiology  
16 department. Then you said the Ph.D.  
17 program. What is your contention in this  
18 lawsuit? Were you dismissed from the  
19 entire Ph.D. program or the department of  
20 pathobiology or one or the other?  
21 A. My contention would be that dismissal from  
22 my program, dismissal from my department  
23 and access to my research would -- is

Page 224

1 tantamount to -- and two people have said,  
2 basically, in my -- that I know of that I  
3 was out of the program. And then  
4 Dr. Janicki is the only one who said that I  
5 wasn't, and then Dr. McFarland in his --  
6 Q. And when did you talk to Dr. Janicki?  
7 A. Maybe December 5th, after talking with  
8 Dr. Wolfe.  
9 Q. December 5th, 2003?  
10 A. Yes.  
11 Q. Okay. And Dr. Janicki is who?  
12 A. Associate dean of graduate research.  
13 Q. Would you say he's above Dr. Blagburn and  
14 Dr. Wolfe in the hierarchy of people in the  
15 graduate school?  
16 A. In the graduate school, yes.  
17 Q. And he said that you were not dismissed  
18 from the Ph.D. program, correct?  
19 A. At that point, I wasn't, but I would be if  
20 I didn't locate a new major professor, a  
21 new department by the beginning of the next  
22 semester.  
23 Q. Okay.

Page 225

1 A. Or that I would be.  
 2 Q. Okay.  
 3 A. He also denied in that meeting that I --  
 4 that's one reason I went there, was to ask  
 5 him if he had accused me of cheating, to  
 6 follow up on that. And he denied that  
 7 anybody had ever been accusing me of  
 8 cheating.  
 9 Q. And this is -- you went to Dr. Janicki  
 10 right after you talked to Dr. Wolfe; is  
 11 that correct?  
 12 A. Yes.  
 13 Q. Okay. So really, your contention is that  
 14 you were -- I mean, at this point, you  
 15 don't really believe at that moment on  
 16 December 3rd or December 5th that you were  
 17 dismissed from the Ph.D. program. You're  
 18 saying that you were dismissed from the  
 19 department of pathobiology, which was  
 20 tantamount, as you said, to a dismissal  
 21 from the Ph.D. program?  
 22 A. At the time I talked to Dr. Blagburn and  
 23 Wolfe, I was under the understanding that I

Page 226

1 was out of my program. Finished at  
 2 Auburn. There's no other reason why I  
 3 couldn't have access to my research. If  
 4 they would have told me I could have taken  
 5 that with me and gone somewhere else, it  
 6 would have made -- it might follow y'all's  
 7 story. But they -- you know, with those  
 8 two, I thought I was out of the program.  
 9 Only when I went to Dr. Janicki did he say,  
 10 you're not out of the program. What you  
 11 need to do is find a new major professor,  
 12 new funding, and a new department by next  
 13 semester, which I tried to do by going to  
 14 Dr. Dillon.  
 15 Q. Okay. And I'm asking you as we sit here  
 16 today -- or let's go back to the moment you  
 17 filed this lawsuit. At the moment you  
 18 filed this lawsuit, your contention is that  
 19 you were not dismissed from the Ph.D.  
 20 program, that you were removed from the  
 21 department of pathobiology and your access  
 22 to your research was cut off. Is that a  
 23 fair characterization?

Page 227

1 A. What was that, again?  
 2 Q. At the time that you filed this lawsuit and  
 3 sitting here today, your contention in this  
 4 lawsuit is that you were not dismissed from  
 5 the Ph.D. program; is that correct?  
 6 A. I think I am dismissed from the Ph.D.  
 7 program.  
 8 Q. And why do you think that?  
 9 A. Because to follow my Ph.D. program, I  
 10 needed to have access to the research that  
 11 I had collected, and I was denied that. I  
 12 was told to turn it in. I was told that I  
 13 would be a great parasitologist, just not  
 14 at Auburn.  
 15 Q. Then what was the point in you going to  
 16 look for another major professor?  
 17 A. Well, following up on what Dr. Janicki  
 18 said, I thought if I had any chance that he  
 19 had the authority, that if I went to  
 20 someone like Dr. Dillon, and Dillon could  
 21 help me get the research and use it.  
 22 Q. So you went to Dr. Dillon for the purpose  
 23 of finding another major professor so you

Page 228

1 could continue in the Ph.D. program?  
 2 A. Just to see if Dr. Janicki's way of what he  
 3 said could be done. I tried to do it the  
 4 way he said that maybe it could be done. I  
 5 didn't believe that it was exactly  
 6 possible, but I tried.  
 7 Q. Well, if Dr. Janicki is telling you that  
 8 you're not dismissed from the Ph.D.  
 9 program, and he has more authority than  
 10 Dr. Blagburn and Dr. Wolfe, you probably  
 11 should believe him, correct?  
 12 A. Well, he told me I needed to find a new  
 13 one, or I would be dismissed.  
 14 Q. Or you would be. And you were still in the  
 15 Ph.D. program at that point, correct?  
 16 A. If I believed what Janicki said, yes.  
 17 Q. Do you believe what Janicki said?  
 18 A. It's either -- somebody was lying,  
 19 because --  
 20 Q. Well, do you believe what Janicki said?  
 21 A. Not always. Dr. Blagburn --  
 22 Q. Do you believe what Janicki said in that  
 23 instance?

Deposition of Christopher Eiland

Eiland vs. Blagburn

April 17, 2006

Page 229

1 A. No.  
 2 Q. You don't believe that?  
 3 A. I'm not -- I'm -- I think that if I didn't  
 4 find a new major professor and new funding  
 5 by the beginning of next semester that I  
 6 was going to be.  
 7 Q. Right. But at that moment, on December  
 8 5th, 2003, you were not dismissed from the  
 9 Ph.D. program, correct?  
 10 A. I was dismissed from --  
 11 Q. Chris, I'm being fair with you.  
 12 A. I know, and it's the way you're saying it.  
 13 In my mind, and in what people have said,  
 14 if I can't -- if they're telling me that  
 15 I'm not going to be able to finish my work  
 16 at Auburn and I'm not going to have access  
 17 to my research, then I'm pretty much -- I  
 18 understood it as me being dismissed from  
 19 the program.  
 20 Q. But then you had a conversation with  
 21 Dr. Janicki.  
 22 A. And I'm telling you what Dr. Janicki said  
 23 was that I wasn't. Now, whether I believe

Page 230

1 him or not --  
 2 Q. Well, he has more -- he's higher up. You  
 3 agree with that, correct? In the  
 4 hierarchy, he's higher up, higher than  
 5 Dr. Blagburn and Dr. Wolfe.  
 6 A. I'm not sure that Dr. Blagburn or Dr. Wolfe  
 7 are even under Dr. Janicki in hierarchy.  
 8 They're probably even.  
 9 Q. Anybody present during this meeting with  
 10 Dr. Janicki that you recall?  
 11 A. No.  
 12 Q. Where was this meeting?  
 13 A. Dr. Janicki's office.  
 14 Q. Okay. I'm still unclear, Chris, on whether  
 15 your allegations were at the time you filed  
 16 this lawsuit that you were outright  
 17 formally dismissed from the Ph.D. program,  
 18 or whether you're saying that the actions  
 19 amounted to -- were tantamount to a  
 20 dismissal. It seems like you're saying --  
 21 I don't know. I mean, it seems like you're  
 22 saying the second one; is that correct?  
 23 A. At the time I filed the lawsuit, I was

Page 231

1 dismissed from the program.  
 2 Q. Right. Relate it back to December 5th.  
 3 You say that you were dismissed from the  
 4 program. At the time you filed this  
 5 lawsuit, looking back on the actions, as it  
 6 stands on December 5th, 2003, after your  
 7 conversation with Dr. Janicki, did you  
 8 believe that you were formally dismissed  
 9 from the Ph.D. program, or was it these  
 10 actions were tantamount to a constructive  
 11 dismissal?  
 12 A. I believe that I was dismissed from the  
 13 program at that point in time. And even  
 14 though he said I could find a new major  
 15 professor and everything, in my mind, after  
 16 I went and tried to locate a new major  
 17 professor, I was dismissed because I wasn't  
 18 able to do that.  
 19 Q. So after you talked to him, though, you  
 20 still felt that you were in the Ph.D.  
 21 program?  
 22 A. I felt like he was not being honest with  
 23 me. I'll be honest with you. I don't

Page 232

1 think he was being honest with me.  
 2 Two people had told me that he had  
 3 accused me of cheating, and I'm talking to  
 4 him -- or somebody had gone to him about  
 5 cheating. And when I'm talking to him,  
 6 he's not being honest with me. He said  
 7 that no one had come in there. I don't  
 8 know who's lying. So, you know, to what I  
 9 think is important, but it's hard to tell  
 10 with who's lying. Their stories have  
 11 changed.  
 12 Q. Well, why would he lie? I mean, if he  
 13 wanted you out of the program, wouldn't he  
 14 say, yeah, Chris, you're out of the  
 15 program?  
 16 A. I don't know.  
 17 Q. Doesn't make sense, does it? Doesn't make  
 18 sense, if he had some vendetta against you,  
 19 didn't like you, for him to tell you, yeah,  
 20 Chris, you're still in the program?  
 21 A. I don't understand the question.  
 22 Q. If he didn't like you, Chris, and wanted  
 23 you out of the program --

Deposition of Christopher Eiland

Eiland vs. Blagburn

April 17, 2006

Page 233

1 A. He didn't like me?  
 2 Q. What?  
 3 A. Go ahead. I'm sorry.  
 4 Q. I'm just asking you. That's what you're  
 5 saying. He had something against you.  
 6 A. No. I'm sorry. I'm confused. You're  
 7 saying that if he didn't like me, then why  
 8 would he tell me that?  
 9 Q. Yes. I mean, if he thought that you  
 10 weren't fit to be a Ph.D. student, why  
 11 would he --  
 12 A. Maybe he thought there was no way for me to  
 13 find a new major professor or department by  
 14 that time. So by saying that I'm still in  
 15 the program is not hurting anything,  
 16 because he knows I'm not going to be able  
 17 to find a new major professor.  
 18 Q. Do you know if Dr. Blagburn had the  
 19 authority to dismiss you from the Ph.D.  
 20 program?  
 21 A. I would think he did.  
 22 Q. Why would you think that he did?  
 23 A. They have a lot of power. I think that

Page 234

1 that might -- that it's in their power.  
 2 Q. What are you basing this on? Is this  
 3 speculation, or have you seen some sort of  
 4 policy or procedure where this is  
 5 documented?  
 6 A. I don't know of any policy or procedure  
 7 about how it's documented. That's just  
 8 what I --  
 9 Q. You're just speculating?  
 10 A. Yes.  
 11 Q. Okay. What about Dr. Hendrix? Same  
 12 thing? You don't know if he had the  
 13 authority or not?  
 14 A. I don't know how he's related to my  
 15 graduate program, so I don't know that he  
 16 would have that authority.  
 17 Q. Dr. Wolfe?  
 18 A. I'm a graduate student in his department.  
 19 I would think he might have that  
 20 department -- I mean, that authority.  
 21 Q. You would think that he might, but you're  
 22 speculating. You don't know of any policy  
 23 or procedure that says that he does?

Page 235

1 A. I don't know of any.  
 2 Q. Dr. Janicki? Same answer or --  
 3 A. Whether I know he has the authority or not?  
 4 Q. Correct.  
 5 A. I don't know that he has the authority. I  
 6 assume he does. I assume all three of them  
 7 do.  
 8 Q. Okay. But, again, speculation?  
 9 A. Assumption.  
 10 Q. Okay. Did you have any other conversation  
 11 with Dr. Blagburn? I think you mentioned  
 12 that on May 28, you said you did.  
 13 A. Yes.  
 14 (Defendant's Exhibit 11 was marked  
 15 for identification.)  
 16 Q. Let me show you Defendant's Exhibit 11.  
 17 Can you tell me what that is?  
 18 A. It's a tape recording of the meeting  
 19 between Dr. Blagburn and I.  
 20 Q. And when was this meeting held?  
 21 A. May 28th, 2004, to the best of this  
 22 document --  
 23 Q. Why was this meeting tape recorded?

Page 236

1 A. Because I felt like people were not being  
 2 honest with what happened to other  
 3 departments, to other associate deans. I  
 4 felt like that the truth was not going to  
 5 be able to be documented, so I tried to  
 6 tape record it so I could get some  
 7 documentation of some of the truth of what  
 8 I was being told.  
 9 Q. Did you tell Dr. Blagburn that you were  
 10 going to tape record this meeting?  
 11 A. Not to my knowledge, no.  
 12 Q. How did you tape record it? Did you hide  
 13 the tape recorder?  
 14 A. I just had a tape recorder in my pocket.  
 15 Q. In your pocket. Okay. Nobody --  
 16 Dr. Morrison's on here. He didn't know  
 17 that you were going to tape record this  
 18 meeting?  
 19 A. No.  
 20 Q. Tell me -- I want you to go through here  
 21 and tell me -- just tell me basically what  
 22 you think this tape recording is saying  
 23 generally.

Page 237

1 And Defendant's Exhibit 11 is a  
2 transcription of this tape recording,  
3 correct?  
4 A. Yes.  
5 Q. And who transcribed this?  
6 A. I did.  
7 Q. Okay.  
8 MR. KNIGHT: I understand y'all  
9 are going to produce the tape?  
10 MS. DICKEY: Right.  
11 Q. I understand that the tape is kind of hard  
12 to hear; is that correct?  
13 A. It reads exactly like this. You can  
14 understand.  
15 Q. And you're the one that went through and  
16 typed all this up?  
17 A. Yes.  
18 Q. Okay.  
19 A. Right after the meeting.  
20 Q. Okay. Tell me the -- just generally tell  
21 me what --  
22 A. What this is about?  
23 Q. -- this is saying, yes. What you think

Page 238

1 this --  
2 A. It starts with Dr. Blagburn and I  
3 discussing a possible job with Merial; that  
4 he was supposed to contact a guy there and  
5 try to get me a job with Merial. Like I  
6 said earlier about that, he'll find me a  
7 job making \$120,000 a year. He's telling  
8 me that he has been meaning to contact him.  
9 Q. You think he's lying about this? Do you  
10 know if he --  
11 A. No one ever contacts me. I applied to  
12 Merial and some other drug companies, and  
13 never -- I was never contacted.  
14 Q. Does that mean you think that he was making  
15 all this up? That he wasn't, in fact,  
16 trying to help you out with your job, to  
17 receive a job?  
18 A. I can't say that he did this or that he  
19 didn't.  
20 Q. Okay. Go on.  
21 A. We also start talking about the grade, and  
22 I was asking him what he thought we  
23 should -- if there was any way to

Page 239

1 straighten that kind of thing out or what  
2 exactly needed to be done.  
3 Q. Well, let's do this, Chris. Go through  
4 each -- go through this transcription and  
5 point out to me the parts where you think  
6 Dr. Blagburn is telling you that you're  
7 dismissed from the Ph.D. program.  
8 A. Okay. He talks about it on page three  
9 where it says, that is why I kept saying I  
10 didn't cheat that day. I didn't understand  
11 why you were so mad at me. Why you were --  
12 why were you so mad at me? Were you pissed  
13 at me? What day was this? Dr. Blagburn  
14 said. I say, the day I got dismissed,  
15 December 3rd. And we had the meeting and  
16 you called Dr. Hendrix in and told me if  
17 you had anything or questions to take it up  
18 with Dr. Wolfe. You know, that Dr. Wolfe  
19 said either you can let him go or I will  
20 let him go, but you felt closer -- you  
21 know, you felt closer to me or whatever.  
22 And he says that I wasn't going to send you  
23 in there to him. And Dr. Blagburn -- I

Page 240

1 said, is that what Dr. Wolfe said? Is that  
2 what he said, I mean? Dr. Blagburn said,  
3 yeah, he told me -- he agrees. Said, yeah,  
4 that's what he said. But he also says, it  
5 wasn't just that incident. I think I  
6 talked to you about this. It was a  
7 combination of things. It would have been  
8 impossible for you to work in this  
9 environment.  
10 And I talked to him about the  
11 cheating. That's when he says, no, I  
12 don't, if you want to know the truth.  
13 Q. Right. I mean, is that --  
14 A. He says --  
15 Q. Is that the part where you just read to me  
16 that you think is evidence that you were  
17 dismissed from the Ph.D. program?  
18 A. There is some evidence there. Also here  
19 where he says, well, it's not -- it's not  
20 that I would just, you know, get rid of you  
21 because of that. The issue was that it  
22 would have been impossible. He says up  
23 here that it would have been impossible for

Page 241

1 you to function in this environment, this  
 2 department, this division.  
 3 Q. Okay.  
 4 A. And that's what I --  
 5 Q. This department. What did you think he was  
 6 referring to as to that?  
 7 A. The department would be department of  
 8 pathobiology, I'm assuming.  
 9 Q. And he did not say the doctor of philosophy  
 10 program in biomedical sciences, did he?  
 11 A. No, he didn't say that.  
 12 Q. He didn't say the graduate school, did he?  
 13 A. He said the division.  
 14 Q. What do you think the division means?  
 15 A. I'm assuming the college of veterinary  
 16 medicine would be the division.  
 17 Q. You're assuming. You don't know that,  
 18 though, do you?  
 19 A. No. He says division.  
 20 Q. Right. But you don't know what that means?  
 21 A. No.  
 22 Q. Is there anything that's commonly called  
 23 the division at Auburn?

Page 242

1 A. No.  
 2 Q. I mean, does it seem to you like he was  
 3 saying this department, this division are  
 4 one and the same?  
 5 A. I'm not sure exactly what he was trying to  
 6 say, but he said this environment, this  
 7 department, this division.  
 8 Q. Okay. He did take some action with respect  
 9 to you, though, didn't he? At the very  
 10 least, he resigned from your major  
 11 professor, regardless of how you  
 12 interpreted what he was doing, correct?  
 13 A. I don't think he resigned as my major  
 14 professor. He never --  
 15 Q. Well, you know that that's what he -- do  
 16 you know if that's what he's saying now?  
 17 A. I read that in the answer, yes.  
 18 Q. Anything else in here that you think shows  
 19 that?  
 20 A. Also here I say that, you know, that  
 21 bothers me more than anything, more than  
 22 even getting kicked out. And that I was  
 23 speechless when they were talking to me on

Page 243

1 the December 3rd meeting.  
 2 Q. That's what you say.  
 3 A. I said that, and he didn't argue with me  
 4 that that's not what happened. He didn't  
 5 say, all I did was resign from your  
 6 committee.  
 7 Q. So by implication, you're saying that  
 8 that's tantamount to him agreeing that you  
 9 were dismissed from the Ph.D. program?  
 10 A. By him saying that or by him just agreeing  
 11 with me?  
 12 Q. Right.  
 13 A. I'm not going to -- I don't know -- I  
 14 couldn't say that.  
 15 Q. Is that all, all the parts?  
 16 A. Yes.  
 17 Q. And why were you going to see him at that  
 18 point?  
 19 A. At different times in May and June, I was  
 20 checking in with him to see if he had -- if  
 21 he was really -- if he was trying to find  
 22 me a job. And I had asked him for letters  
 23 of recommendation to law school, and the

Page 244

1 grade, I was asking him what I needed to  
 2 really do about that. In all of this, in  
 3 my time at Auburn, I told you that  
 4 Dr. Blagburn was somebody to go to, so I  
 5 wanted to see what he thought about that,  
 6 what I should do.  
 7 Q. So he wrote letters of recommendation to  
 8 your law school?  
 9 A. He did.  
 10 Q. Okay. And he talked to Dr. Billor about  
 11 having your grade changed in your belief?  
 12 A. He says he did on that tape, and he denies  
 13 it in the answer.  
 14 Q. Well, you believe he did. I mean, didn't  
 15 you call up Dr. Billor and talk about  
 16 unethical things that were happening?  
 17 A. I do believe that he called her.  
 18 Q. Okay. And there was some suggestion that  
 19 he was trying to help you out with locating  
 20 employment? Is that --  
 21 A. Yes.  
 22 Q. And you had asked him to do that?  
 23 A. I'm not sure if I asked him or if he said

Page 245

1 that he would, but, yeah, he was helping me  
 2 or said he was helping me.  
 3 Q. Okay. And all of these things, I mean, why  
 4 was he doing it? Seems like he was trying  
 5 to do everything he could to help you  
 6 here. I'm missing something, I think.  
 7 A. What was the question?  
 8 Q. Was he doing these things to help you out?  
 9 Was that, in fact, correct?  
 10 A. Maybe he felt bad for what he had done in  
 11 December.  
 12 Q. Well, couldn't he have reinstated you? If  
 13 you think that he dismissed you, couldn't  
 14 he have reinstated you?  
 15 A. I wished he would have.  
 16 Q. Did you ever ask him to?  
 17 A. He never said that was an option.  
 18 Q. Did you ever ask him?  
 19 A. Not at that meeting.  
 20 Q. Did you ever ask him at any other meeting?  
 21 A. Not him, I don't think I did.  
 22 Q. Okay. Do you know if Dr. Blagburn had the  
 23 authority to resign as your major

Page 246

1 professor?  
 2 A. You've asked me that before.  
 3 Q. Yes. Let me ask you this --  
 4 And go ahead. I think your answer is  
 5 you don't know?  
 6 A. We talked about that before. I'm not sure  
 7 that there's any policies or procedures  
 8 that say what the major professor can or  
 9 can't do.  
 10 Q. Do you contend that you're entitled to due  
 11 process of law before Dr. Blagburn resigned  
 12 as your major professor?  
 13 A. Due process of law for that one  
 14 particular --  
 15 Q. Right. If he did, in fact, resign as your  
 16 major professor, do you believe that you  
 17 were entitled to some sort of due process  
 18 hearing, some sort of hearing for him to do  
 19 that?  
 20 A. I'm guessing yes.  
 21 Q. Yes? And what do you base that on?  
 22 A. That due process would be like if he was  
 23 going to resign from my committee, I would

Page 247

1 think that you would need a hearing and a  
 2 list of complaints and a chance to defend  
 3 yourself against those complaints.  
 4 Q. And what are you basing that on? What are  
 5 you basing that belief on?  
 6 A. The definition of due process.  
 7 Q. Was your employment in the parasitology  
 8 laboratory also terminated at this time,  
 9 during this December 3rd, 2005 event?  
 10 A. I was told not to come back.  
 11 Q. Is that what he said? What did he say  
 12 exactly in regards to that?  
 13 A. Very similar to that, that I remember.  
 14 Q. Okay. Do you know if he had the authority  
 15 to terminate you from the parasitology  
 16 laboratory?  
 17 A. I think he had the authority for that.  
 18 Q. Okay. Did he have to give you a specific  
 19 reason or did he give you?  
 20 A. No.  
 21 (Defendant's Exhibit 2 was marked  
 22 for identification.)  
 23 Q. Okay. Look at Exhibit Number 2,

Page 248

1 Interrogatory number 12. That's your  
 2 answer as to all of the liberty and/or  
 3 property interests that you contend were  
 4 infringed. Your right to -- or liberty and  
 5 property interests, an alleged interest in  
 6 employment is not listed on there; is that  
 7 correct?  
 8 A. Where are we at? In the response?  
 9 Q. Interrogatory number 12 in the response.  
 10 A. Oh, number 12.  
 11 Q. Yes. I guess basically what I'm asking is  
 12 you're not contending as part of this  
 13 lawsuit that you had a liberty or property  
 14 interest that was infringed by your  
 15 termination from the parasitology  
 16 laboratory?  
 17 A. As an employee, no.  
 18 Q. Correct. Okay. That's fair. Thank you.  
 19 What about your stipend that you had  
 20 received? What was the result of that  
 21 going to be?  
 22 A. I'm sorry?  
 23 Q. The stipend that you received from

Deposition of Christopher Eiland

Eiland vs. Blagburn

April 17, 2006

Page 249

1 Dr. Blagburn, did he say anything about  
2 that in the December 3rd meeting?

3 A. Yes.

4 Q. What did he say?

5 A. He said that he would continue to pay me  
6 for December and January.

7 Q. So into the next semester?

8 A. December and January, and January -- and  
9 the semester started January 13th, I think.

10 Q. Okay. Why would he continue? If you were  
11 being immediately dismissed from the  
12 program, why would he continue your  
13 stipend?

14 A. I'm guessing to help me with a transition  
15 to where I found employment or something or  
16 as a severance package of some sort. I'm  
17 not really sure why they said they were  
18 going to pay me for December and January.

19 Q. Was there any sort of written manifestation  
20 of your meeting with Dr. Wolfe or  
21 Dr. Blagburn? Anything ever written down  
22 by them?

23 A. Not that I'm aware of.

Page 250

1 Q. Okay. Tell me each and every step that you  
2 took to identify another major professor.

3 A. At the December 3rd meeting, I knew that  
4 Dr. Blagburn was not going to have me.  
5 Dr. Hendrix was not going to take me.

6 Q. How did you know that?

7 A. Because I asked him if I could not leave or  
8 if I could stay in here, and I wasn't --  
9 the department of pathobiology was pretty  
10 much, I'm sure, off limits was the  
11 understanding.

12 Q. You asked Dr. Hendrix this specifically?

13 A. I did talk to him about that.

14 Q. Okay. And tell me what that conversation  
15 was.

16 A. That it wasn't their decision. It was  
17 really Dr. Wolfe's decision.

18 Q. They were saying this? Dr. Hendrix was  
19 saying this?

20 A. Yes.

21 Q. And Dr. Blagburn?

22 A. Yes.

23 Q. They both said this together?

Page 251

1 A. To my knowledge, that -- they both were  
2 saying that this -- I needed to take this  
3 up with Dr. Wolfe. But their understanding  
4 was that I was not allowed in pathobiology  
5 anymore.

6 Q. Did you ever ask Dr. Hendrix specifically  
7 whether he would serve as your major  
8 professor?

9 A. Yes.

10 Q. You did?

11 A. Yes.

12 Q. And what did he say?

13 A. No.

14 Q. When did you ask him that?

15 A. In that meeting.

16 Q. In that meeting, you asked him that?

17 A. Yes. And then --

18 Q. If you asked him that in the meeting,  
19 sitting here telling me that you thought  
20 you were dismissed from the Ph.D. program,  
21 why would it be necessary to ask him if he  
22 would serve as your major professor?

23 A. I was grasping at straws.

Page 252

1 Q. You were grasping at straws?

2 A. Trying to find --

3 Q. Chris, you really didn't think --

4 A. Trying to talk to people about what was  
5 going on.

6 Q. You really didn't think that you were  
7 dismissed from the Ph.D. program at that  
8 moment if you're asking him if he'll serve  
9 as your major professor. Isn't that  
10 inconsistent with that thought? You can  
11 agree with that, Chris, can't you?

12 A. What I'm saying is it wasn't very clear to  
13 what limitations were put on, and I wanted  
14 to check and see if there was any --

15 Q. So the extent of that conversation, it  
16 wasn't very clear?

17 A. Well, I thought I could check. It wouldn't  
18 hurt to ask.

19 Q. And what did he say?

20 A. No.

21 Q. He said no. Did you ask --

22 Let's go back to the original  
23 question. Tell me each and every step that

Deposition of Christopher Eiland

Eiland vs. Blagburn

April 17, 2006

Page 253

1 you took to identify another major  
2 professor.  
3 A. The only other step was to contact  
4 Dr. Dillon and ask him.  
5 Q. Okay. Did you, in fact, contact  
6 Dr. Dillon?  
7 A. Yes.  
8 Q. And when was that?  
9 A. In December 2003.  
10 Q. End of December?  
11 A. No, in December.  
12 Q. Can you give me a date, day?  
13 A. I'm thinking it was after December 5th, and  
14 December 5th may have been a Friday. The  
15 best of my knowledge, it was the Monday --  
16 it was either that Friday or the Monday  
17 after that weekend.  
18 Q. Okay. December 7th, 8th?  
19 A. Close to that time.  
20 Q. And tell me what you recall about that  
21 conversation.  
22 A. I asked him if he had heard what was going  
23 on, and he said that he had heard that I

Page 254

1 had been accused of cheating and that I was  
2 dismissed from the department of  
3 pathobiology. And I told him that I didn't  
4 cheat, and he said that he didn't believe  
5 that I was capable of that.  
6 I told him that Dr. Janicki had told me  
7 that I needed to find a new major  
8 professor. Was there any way that he could  
9 serve as my major professor? His answer  
10 was that he was not going to be doing that  
11 much research that next year, and that  
12 Pfizer had canceled the funding that was  
13 supporting my study or had donated some  
14 money to my study, and that if Blagburn or  
15 pathobiology let me go, nobody else was  
16 going to take me.  
17 I hate to interrupt. Is there any way  
18 I can take a break and use the restroom?  
19 I've got to go.  
20 Q. Sure.  
21 (Brief recess was taken from  
22 3:15 p.m. until 3:27 p.m.)  
23 BY MR. KNIGHT:

Page 255

1 Q. Let me ask you to go back to one thing.  
2 Did Dr. Hendrix ever tell you that he would  
3 contact a professor, a Dr. Mullen?  
4 A. That name doesn't sound familiar to me. I  
5 don't know who that is. I never met a  
6 Dr. Mullen.  
7 Q. Never met a Dr. Mullen? Did he ever say  
8 that he would contact a Dr. Mullen for you?  
9 A. And I don't know who that is, and that name  
10 does not sound familiar to me, so I don't  
11 know --  
12 Q. You don't think that -- you're saying that  
13 didn't happen? Dr. Hendrix didn't tell you  
14 that, or you're saying you just don't  
15 remember if he did or not?  
16 A. That name is not even familiar to me, so I  
17 don't even know if he did or didn't.  
18 Q. All right. I believe we were at tell me  
19 each and every step you took to identify  
20 another major professor.  
21 A. Right.  
22 Q. I don't want you to rehash what you've  
23 already gone over, but I think you were

Page 256

1 telling me you went to Dr. Dillon on or  
2 around December 8th, 2003?  
3 A. And I think I would like to clarify that  
4 the December 3rd, 2003 meeting was not when  
5 I asked Dr. Hendrix about serving as my  
6 major professor. If I -- if I can remember  
7 exactly the date, I would, but I talked to  
8 him after going to Janicki, after going to  
9 Wolfe throughout these steps. And one of  
10 those times after talking to Janicki, I  
11 asked him if he would serve as my major  
12 professor, and he said no. I've also  
13 talked to Dr. Dillon, and he said no.  
14 Q. Chris, you went through a whole long  
15 narrative about how -- and you even  
16 explained to me that, well, this was -- I  
17 was just trying to figure out things, get  
18 some information. That's why I asked  
19 that. You just had forgotten that that was  
20 a different time?  
21 A. Yes. I was -- I just got it confused when  
22 I talked.  
23 Q. Isn't that a pretty important thing? I

Deposition of Christopher Eiland

Eiland vs. Blagburn

April 17, 2006

Page 257

1 mean, this directly relates to whether you  
 2 were being dismissed from the Ph.D. program  
 3 or whether Dr. Blagburn was resigning as  
 4 your major professor. That seems to be a  
 5 pretty important thing, correct?  
 6 A. It was important.  
 7 Q. Okay. And it seems like you should  
 8 remember all aspects of that meeting,  
 9 correct?  
 10 A. That's why I wanted to clarify.  
 11 Q. Okay. So why did you tell me differently  
 12 earlier?  
 13 A. I answered in haste. I needed a break to  
 14 use the restroom, and I just answered in  
 15 haste.  
 16 Q. Why did you answer in haste?  
 17 A. I try to answer your questions as fast as  
 18 possible so we don't waste time here.  
 19 Q. So you told me that that meeting -- that  
 20 that conversation was held at that December  
 21 3rd, 2005 meeting, and then you decided --  
 22 you went to the restroom, and you came back  
 23 and you told me, oh, it wasn't. Is that

Page 258

1 basically what happened?  
 2 A. That's correct. I thought about it and I  
 3 thought the way that you were saying it was  
 4 that it was on December 3rd, and I thought,  
 5 that's inaccurate. What we need to say is  
 6 that I need to say that it wasn't that day,  
 7 because that's the way I remember it.  
 8 Q. You don't think I made it clear from my  
 9 questions that we were talking about that  
 10 December 3rd, 2005 meeting?  
 11 A. I was just confused.  
 12 Q. That's what you're telling me now, though?  
 13 It wasn't clear from my questions that we  
 14 were talking about the December 3rd, 2005  
 15 meeting?  
 16 A. I was confused and I wanted to clarify it.  
 17 Q. And then you go to the restroom, and you  
 18 come back and decide that you want to  
 19 clarify it. Okay.  
 20 Is there anything else? Since you seem  
 21 to have trouble remembering the specifics  
 22 of this conversation at the meeting, is  
 23 there anything else that you're unclear on?

Page 259

1 A. No.  
 2 Q. Well, could you be unclear on some things?  
 3 If you're having trouble remembering  
 4 important aspects of this -- of what took  
 5 place at the meeting, could you be unclear  
 6 on exactly what was said during this  
 7 meeting? I mean, it's conceivable that if  
 8 you got that confused, you could have got  
 9 something else about this meeting confused,  
 10 correct?  
 11 A. I'm not confused.  
 12 Q. Well, you were.  
 13 A. I made an error.  
 14 Q. Right. Well --  
 15 A. That I corrected.  
 16 Q. Okay. You said you were confused, though,  
 17 and you said -- you're the one that told me  
 18 you were confused. I didn't say that, did  
 19 I?  
 20 A. I just felt like I had answered that  
 21 question inaccurate, and I wanted it to be  
 22 correct.  
 23 Q. Well, why did you answer it inaccurate?

Page 260

1 A. It was not -- it was confusing to me.  
 2 Q. So you were confused? Okay. So could you  
 3 be confused about some other aspect of that  
 4 meeting?  
 5 A. No.  
 6 Q. Just that aspect?  
 7 A. Just at that particular time. If I had  
 8 time to think about it, I would have  
 9 answered it that way. That's the way that  
 10 it happened. That's the way I would  
 11 document and say it. I answered wrong and  
 12 thought about it and then told you the  
 13 correct answer.  
 14 Q. Not confused about anything else related to  
 15 that? There's no way you're confused about  
 16 anything else related to that December 3rd  
 17 meeting; is that correct?  
 18 A. That's correct.  
 19 Q. So at some point, you did ask Dr. Hendrix  
 20 for help in locating a major professor,  
 21 then; is that correct?  
 22 A. Yes.  
 23 Q. Okay. When was that?

Deposition of Christopher Eiland

Eiland vs. Blagburn

April 17, 2006

Page 261

1 A. I'm not exactly sure when that was. After  
 2 talking to Dr. Janicki.  
 3 Q. Can you give me an estimate? Was it in  
 4 December?  
 5 A. It was in December.  
 6 Q. Okay. Before December 8th or after  
 7 December 8th?  
 8 A. It was either December 5th or 8th. I  
 9 talked to him both -- many times that I  
 10 didn't document.  
 11 Q. You talked to him at many times that you  
 12 didn't document?  
 13 A. In December I remember talking to him after  
 14 I went to -- I talked to him after I talked  
 15 to Blagburn. I talked to him after I  
 16 talked to Wolfe, after I talked to Janicki,  
 17 and then later. And it was within -- in  
 18 that December --  
 19 Q. You talked to him five times?  
 20 A. Probably three times.  
 21 Q. Three times? And what was the purpose and  
 22 content and date of each of those times?  
 23 A. It was to keep him updated on what I was

Page 262

1 being faced with and seek his help.  
 2 Q. Seek his help doing what?  
 3 A. Helping me find resolution to this -- to  
 4 the issues that I was facing.  
 5 Q. Resolution to the issues and also to help  
 6 you locate another major professor?  
 7 A. I asked him that at one point.  
 8 Q. Okay. Did he tell you he would help you  
 9 locate another major professor?  
 10 A. No.  
 11 Q. What did he say?  
 12 A. I don't remember him suggesting anybody.  
 13 Q. Did he say anything at all?  
 14 A. Not that I remember.  
 15 Q. You said, Dr. Hendrix, I need help in  
 16 locating another major professor, and you  
 17 have no idea what he said? Could he have  
 18 said, yeah, I'll help you, Chris, here's  
 19 the name of Dr. Mullen? Is that a  
 20 possibility?  
 21 A. No.  
 22 Q. Well, you told me you don't remember what  
 23 he said.

Page 263

1 A. It wasn't that.  
 2 Q. Well, could it have been --  
 3 You don't know if he said yes, I'll  
 4 help you or no, I won't help you?  
 5 A. When I asked him for help locating a new  
 6 major professor, no was the answer. And  
 7 that I couldn't -- he didn't know of  
 8 anybody, and there wasn't anybody.  
 9 Q. Well, Chris, that's not what you --  
 10 A. The main part --  
 11 Q. That's not what you told me about two  
 12 minutes ago or about 30 seconds ago. You  
 13 said you didn't remember what he said in  
 14 response. Now, why are you coming back now  
 15 and changing your answer and telling me  
 16 that he said no?  
 17 A. I told you all along he said no, that he  
 18 couldn't help me in finding a major  
 19 professor. I don't remember this that  
 20 you're telling me about the guy and  
 21 everything that you've suggested.  
 22 Q. Right. If you --  
 23 A. So you're confusing me.

Page 264

1 Q. About thirty seconds ago I asked you,  
 2 Chris, what he said in response to you  
 3 asking him if he would help you locate  
 4 another major professor, and you said, I  
 5 don't remember.  
 6 A. I don't remember him -- his exact --  
 7 whatever he -- I just remember that it  
 8 wasn't helpful. He didn't help me find a  
 9 major professor. I can't remember exactly  
 10 what he said, but he -- I would have  
 11 followed it.  
 12 Q. He wasn't helpful. He didn't -- whatever  
 13 he did didn't ultimately lead to you  
 14 getting a new major professor, but you  
 15 don't know if he told you no at that time?  
 16 Is that what I'm hearing you say?  
 17 A. I'm answering no, that he would not serve  
 18 as my major professor.  
 19 Q. He said no, I will not serve as your major  
 20 professor?  
 21 A. That's right.  
 22 Q. And then as far as -- and then you asked  
 23 him for help locating another major